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GENESIS I-XI AND PREHISTORY

Part I

The following pages devoted to a survey of some of the problems connected with Genesis 1-11 are intended to give a simple, clear statement of the facts. It is not necessary to justify the choice of these chapters for special study. Every student of the Bible knows the great importance of this section from the point of view of doctrine and is aware of the gravity of the historical problems raised by these narratives. Our review of the facts is preceded by an outline of the principles stated in recent pronouncements of the Church as norms for Catholic students. This may prove of some service to non-Catholic readers whose views of the relations of the Bible and Church may be somewhat vague, and also to Catholic readers who may not be familiar with recent developments. It will be seen, we hope, that the Catholic attitude is far from identical with any kind of "Fundamentalism" and that the Catholic mind is not at all imprisoned in an intellectual strait-jacket as current anti-Catholic polemic seems to imagine.

Those principles are, as will be realized on a moment's reflection, often simple truths of common sense. But while people may agree on the principles themselves, there are bound to be differences of opinion about their application to particular cases. Hence, quite naturally, differences arise among Catholic scholars, even wide differences. These, however, are of no real importance, provided the individual scholar remembers that he has no monopoly of the truth and that his duty is to bear patiently and charitably with views differing even considerably from his own.

Catholic authors are now agreed that the essential purpose of the Biblical writers was to teach religious truth, not science as such. From this, one concludes that it is altogether wrong to look for scientific information in the texts which happen to touch on scientific matters, or to interpret such texts in the light of our present scientific knowledge so as to force upon those texts explanations meant to harmonize them with the latest discoveries of science. This principle—the independence of the Bible as it might be called—was set forth in Leo XIII's Encyclical *Providentissimus Deus* (November, 1893) which appeals to the authority of St.

Augustine and St. Thomas Aquinas for confirmation.[1] It has been repeated in various forms in the Encyclical of Benedict XV on St. Jerome and Holy Scripture, *Spiritus Paraclitus* (September, 1921),[2] and in Pius XII's Encyclical *Divino afflante Spiritu* (September, 1943).[3] The decree of the Biblical Commission of June 1909, in par. 7 which deals especially with the interpretation of *Gen.* 1, recognizes that the author did not mean to give a scientific account of creation, but that he wrote a popular narrative in the received forms of expression of his time, so that we must not look in his description for "scientifici sermonis proprietas."[4] Needless to insist, the principle cannot be restricted to the case of *Gen.* 1, but is of general application.[5] Why did the inspired writer express himself in agreement with the forms of expression current in his time, and not with the accuracy of the scientific reality? The answer obviously is that the author as a man of his time

[1] Engl. ed. by The Cath. Bibl. Assc. of America (Wash., 1943), pp. 21 ff.: *Rome and the Study of Scripture* (Abbey Press, St. Meinrad, 1919), pp. 27 ff. Latin text *ap.* H. Pope, O.P.: *The Cath. Student's Aids* . . . (rev. ed.), I (New York, 1926), pp. 316 f. On the antecedents of *Prov. Deus*, see the valuable article by Fr. V. Larrañaga, S.J., on Cardinal Zeferino Gonzalez and Leo XIII in *Estudios bíblicos* (1948), 77-114. Cf. also his series on the Biblical problem in England, France and Germany, *ibid.* (1944), 3-24; 173-88; 233-96.

[2] Latin text: H. Pope, *op. cit.*, p. 346.

[3] Engl. ed. N.C.W.C., p. 5. For a good study of the Encyclical: J. Prado in *Sefarad* (1944), 147-90.

[4] Latin text: H. Pope, *op. cit.*, p. 328. Engl. text: *Rome and the Study of Scripture*, p. 58. On the Bible and Science *cf.* the art. by Cardinal Lienart (Lille): "Faith and the Advance of Science"; *The Commonweal* (1949), June 17 and 24. The French original appeared in *Etudes* (Dec. 1947). As is to be expected, similar views have been expressed by Protestant authors to whom the Bible is a source of religious truth. For instance, S. R. Driver: *The Book of Genesis* (1904), p. 33. A principle of Jewish interpretation is that "the Torah speaks according to the language of men." (*Berakoth* 31^b med.) (*cf.* Hamburger: *Realencycl. des Judentums*, II (1896), 195. The phrase refers originally to the use of certain grammatical constructions, but later was extended to anthropomorphisms, and "became a leading principle in the later Jewish interpretation of Scripture"; Hertz (Chief Rabbi), *The Pentateuch and Haftorahs*, one vol. ed. (London, 1938), p. 6; *cf.* also p. 195.

[5] Hoepfl, O.S.B., in *Dict. Bib.*, Suppl. (1930) *s.v.* "Critique Biblique," 2101: "la déclaration de la Commission Biblique . . . peut être étendue aux onze premiers chapitres de ce livre et jusqu' à un certain point à l'histoire des Patriarches."

shared the notions of his time and used the expressions received and understood by his contemporaries. We need not suppose a knowledge of the scientific truths which would have remained locked up in the mind of the Biblical author and would have served no real purpose for the author himself or for his original readers.

When the principle is understood, it will be seen at once that logically there is no room for any kind of "concordism." Hence all the attempts which for a while were made to establish full harmony between *Gen.* 1 and the different scientific hypotheses in vogue then, may be regarded as a waste of labor. In fact, all those well meant attempts could only result in discrediting an exegesis which was able to accommodate itself to all the fashions and theories. Rather, we must recognize that the Bible and Science have their separate fields, and there is no room for real conflict provided we understand properly the requirements of Biblical interpretation and those of Science within its own special sphere. However, the principle laid down in *Providentissimus Deus* covered only part of the difficulties presented by the Biblical text. Many problems of historical nature remained which must be approached from a different angle. History received but little attention in *Providentissimus Deus.* The transition sentence from the Natural Sciences to history[6] could be misunderstood by itself and was explained by some in a very broad sense not intended by Leo XIII as was declared finally by Benedict XV in *Spiritus Paraclitus.*[7] Hence Catholic authors thought of other possibilities such as *tacit quotations* by a Biblical writer reproducing a text without meaning to guarantee its historical value in all its details or the presence in historical books of *narratives* which have only the *appearance of being historical.*[8] Yet such views, within the limits in which they are acceptable, even when supplemented by con-

[6] H. Pope, *op. cit.*, p. 317: "Haec ipsa deinde ad cognatas disciplinas, ad historiam praesertim iuvabit transferri."

[7] Cf. *ibid.*, pp. 345 f.

[8] Decrees of Bibl. Com. 1905, February and June: Latin *ap.* Pope, pp. 322 f.; *Rome and . . . Scripture*, pp. 51 f.; Ency. *Spiritus Paraclitus ap.* Pope, p. 348, in *D.B.* Suppl., cf. Lemonnyer, O.P. (1928), art. "Apparences historiques," 587-96; also, art. "Citations implicites" (1930), 51-55. As will be seen from this article the theory is not altogether modern: it had been envisaged by Renaissance scholars as a possible help in solving difficulties.

siderations of style, figures of speech, recognition of anthropomorphisms and the like, do not suffice to explain all the difficulties, at least not completely.[9] Hence, without rejecting what has been gained by the labors of their predecessors, modern scholars prefer to have recourse to considerations based on the "Literary Forms" —the *genres littéraires* as French writers call them—used by the Biblical authors. This approach will help us to get closer to the mind of the original writer and thus to gauge more accurately his real intention and to appreciate more correctly the truth he meant to convey to his readers. This evidently is not essentially a new mode of approach, but rather a matter of common sense. But it is good at times to remind ourselves of the necessity of common sense in understanding our texts—of the duty and necessity of reading the texts as they were meant and understood in the first place by their authors and by those for whom they wrote. To place ourselves in that frame of mind which brings us closer to the author, more is needed than a knowledge of the rules of grammar and philology and attention to the context. "The interpreter must, as it were, go back wholly in spirit to those remote centuries of the East and with the aid of history, archaeology, ethnology and other sciences, accurately determine what modes of writing, so to speak, the authors of that ancient period would be likely to use and in fact did use."[10]

The recent letter of Fr. Vosté, O.P., as secretary of the Biblical Commission, addressed to the late Cardinal Suhard of Paris regarding the sources of the Pentateuch and the historical character of Genesis 1-11, again dwells on the question of the "literary form."[11] This text notes the obscurity and complexity of the

[9] Cf. Van der Ploeg's (O.P.) review of P. Heinisch (*Probleme der biblischen Urgeschichte* [Lucerne, 1947]) in *Bibliotheca Orientalis* (1949), 2; Heinisch distinguishes substance and form of the narratives, has recourse to the idea of improper form of expression, tacit quotations, etc. A professional exegete may follow H's reasoning, but it is hard to imagine that the ancient Hebrew reader understood his texts in such an artificial manner.

[10] *Divino afflante Spiritu* (ed. cit.), p. 18. The Ency. has a development on the subject (pp. 18 ff.; nos. 35-39) which should be read in full.

[11] This document, written in French, is dated Jan. 16, 1948. For the text: *AAS* (1948), 45 ff.; *Cath. Bib. Qu.* (1948), 318-23; *Sefarad* (1948), 188-92, with remarks (J. Prado), 192 ff.; Jacques M. Vosté, O.P.: "El reciente documento de la Pontificia Comisión Bíblica" in *Estudios bíblicos* (Madrid, 1948), 133-145; cf. also 219 ff. for text of the document). The document

problem of the literary forms of *Gen.* 1-11, so different from those of Graeco-Roman and modern literature. But even if we cannot hope now to give positive answers to all the questions raised by those chapters, we can prepare the way by attentive study of all the factors connected with these texts; we must examine closely the literary methods of the ancient Oriental peoples, their psychology, their way of expressing themselves and their very notion of historical truth. This is the only way in which we may hope to see more clearly the real character of some of the narratives in the first chapters of Genesis.

In the following we do not claim to give the positive solutions of the many problems of *Gen.* 1-11. This would be manifestly impossible within the compass of an article such as this, even if we had all the answers at hand. Our purpose is much more limited: to outline the essential facts of the problem according to the Bible and to give the evidence from Science at least in part. We will be ready then to appreciate the differences between the Bible and Science. We will be in a better position to understand the problems and, perhaps, to see the possibility of a partial solution of the difficulties.

The narratives of *Gen.* 1-11, like those in the rest of the book, are not a literary work in accordance with our ideas of composition. A classical author of Greece and Rome or a modern author would work over the materials previously gathered from different sources to assimilate them thoroughly and then compose his account in his own words and style. But the ancient Hebrew writer, like his later Oriental colleague, often is satisfied with reproducing his sources literally without any attempt at composition in our sense of the word.[12] Hence in the Biblical narratives we

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emphasizes the question of the literary forms (*genres littéraires*). Among more or less extensive Catholic studies of the literary forms in the Bible, the following recent literature may be consulted: Höpfl, O.S.B., in *D.B.* Suppl. art. "Inspiration," 529 f., 538 ff.; A. Robert, S.S., and Tricot: *Initiation biblique* (Paris, 1948), pp. 255-319 (an Engl. ed. of this work is in preparation); A. Robert: *ibid.*, pp. 24 ff.; also *D.B.* Suppl. art. "Historique (Genre)" (1947), 7 ff.; also an excellent brief "Rapport sur les genres littéraires" written for the Sulpician Comité des Etudes (Issy, Aug. 4, 1947).

[12] Cf. E. P. Arbez, *Cath. Bibl. Qu.* (1946), 66 ff.; the example mentioned there is only one out of a large number of similar cases. One might compare for instance Ibn al Athir's (d. 1234 A.D.) account of the choice of Abu Bakr

may notice a lack of literary unity, differences in vocabulary, in point of view, etc. All of this may be used by the modern critic in his analysis of the sources of the Biblical author. Evidently in this undertaking there is need of caution: one might easily find oneself chasing a mirage.

In the part of Genesis under examination, it is not difficult to notice differences of form and viewpoint. There is no doubt that, for instance, *Gen.* 1 differs considerably from 2 and 3, even if one does not think that *Gen.* 2 begins with a new account of creation. In chapter 1 we have a majestic style, with a definite pattern of repeated phrases, so that the narrative of creation makes an impression of orderliness and stateliness. We find here no anthropomorphisms, outside of expressions which can hardly be avoided when we wish to describe God's activity: God said, God saw, etc. When we come to the following chapters (2 and 3), we find ourselves suddenly in a very different atmosphere. God's actions are described in a very concrete manner, practically like those of a man. Together with this concrete character of the narrative, there are to be found some differences in style and in vocabulary. The whole presentation thus becomes more popular, yet without becoming a story told merely for entertainment. Here also, we find religious moral teaching in no wise inferior to that

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as Calif (*Kāmil:* year XI of Heg., Vol. II (Bulaq ed.), pp. 135 ff.) with at-Tabarī's (d. 922 A.D.) in his "History of the Prophets and Kings," an enormous compilation reproducing *in extenso* the sources used by the author. Ibn al Athir selects and abridges considerably, and shifts the material around according to his plan; but he otherwise preserves at-Tabarī's wording practically unchanged. Many other Arabic historians and geographers follow the same method. We may note in passing that the Oriental historian's concept of historical truth is not always something rigid. There is a humorous presentation of the Oriental view in James Morier's *The Adventures of Hajji Baba of Ispahan* (Everyman's Lib.), Chap. 42 (pp. 212 ff.). See also the frank statement of the role of the historian by the Persian Rashīd (13th-14th cent.): "the essential condition for a historian is that he should write the history of each people according to their own claims. Whether they be true or false, he must set them down exactly in accordance with the intention and claim of each people, so that responsibility may rest ... not upon the historian. The humble historian's intention shall be held blameless by reason of these principles; if it pleases God Almighty" (*ap.* R. Levy, *Persiam Literat.* [Ox. U.P., 1945], p. 67). Fortunately, however, there are historians, even Oriental historians, who mean to give truthful, objective accounts.

of the poet-theologian who has given us Chap. 1; and we find, besides, deep psychological insight into human nature. As we go through the next chapters (4 ff.), the one or the other narrative reminds us of the style and manner noticed in the preceding chapters.[13] Yet, even where we may note the same general tone, there are at times disharmonies which will strike the reader more or less forcibly, and may raise questions in some minds. For instance, Cain and Abel are the first men, the first sons of Adam and Eve, as the narrative stands in chapter 4 ff. Yet it is taken for granted that the earth is sufficiently peopled for Cain to look for a place "in the field" to avoid possible witnesses of his crime; in any case, he expresses fear of vengeance at the hands of other men (4:14, 15). Cain is condemned to become a wanderer as punishment of his fratricide (4:12, 14), but shortly after this, in our present text, he appears connected with the building of a city (4:17). Another possible example may be found in 4:1-4 which, standing immediately before the narrative of the Flood, seems intended to serve as an introduction to that narrative. Yet this short paragraph, most difficult and obscure when we examine its details closely, cannot be fitted easily into the context. It has no evident connection with the preceding traditions and it is related rather loosely to what follows immediately. Even, if one were to press the statement in the present form of our text, in v. 4, that "the giants *(nefilim)* were on the earth in those days and *even afterwards* because the sons of God *(benē hā elohim)* . . ." one could find an allusion to the *nefilim* of Numbers 13:33, and conclude that a part of those extraordinary men had escaped the Flood. Whatever the correct explanation of the obscure items of this paragraph, it looks like a fragment of an old tradition fitted somewhat loosely into the context of Genesis.[14] Another similar case

[13] Cf. A. Robert, *s.v.*, "Historique (Genre)," 9, and his quotation from Fr. Bea, S.J.

[14] These remarks apply to the text as we now read it and as explained usually by the authors who understand "the sons of God" as "angels" or by those who take them to be the "Sethites" representing the godly line, seduced by "beautiful" women. The text may be explained very differently and thus made more suitable as an introduction to the Flood narrative, but this is not the place for the explanation. On 6:1 ff., beside the Commentaries on Genesis, cf. Ch. Robert, "Les fils de Dieu et les filles des hommes," *R.B.* (1895), July and Oct.; (1897) April; Pinard de la Boullaye: *L'étude comparée des religions*, I, 55; J. Morgenstern in *Heb. Un. Coll. Am, XIV* (1939),

may be found in the narrative of the Tower of Babel which will be examined further on.

Thus the text of those narratives is not a homogeneous composition with all its parts welded together into one perfectly harmonious account. It consists of bits of traditions put together in a manner very different from our idea of literary composition. The Author's method, which we should regard as conformable to the ideas of his time, may appear somewhat crude to us; nevertheless it is a fact which we must take into account, if we wish to understand his presentation. But, while recognizing such literary features of our text, we should not fail to recognize also the definite plan of the Author and his intention of conveying to his reader some religious lessons; this gives to his work a unity which may not be overlooked under penalty of missing the Author's message.

With this caution in mind, we may look now at the context of these chapters to see the character of the materials used by the Author to build up his narrative and to convey his teaching. We will call in the evidence from science, even if only briefly, for the purpose of comparison between the Biblical text and the data of science. This means that some narratives of great theological significance, as for instance the Fall of man, will not be examined here: we have no material of any kind which might be compared for the substance of the account. Besides, the study of that section—so ably examined by several recent writers,[15] would involve rather lengthy developments to be satisfactory.

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76 ff.; E. G. Kraeling, *J. Bibl. Lit.* (1947), 279-93; J. L. McKenzie, "The Divine Sonship of the Angels, *Cath. Bibl. Quart.* (1943), 292-300.

[15] Among recent studies of Gen. 1-11 or parts of those chapters, the following may be mentioned: P. Heinisch, *Probleme* . . . (not seen); reviewed by V. D. Ploeg, O.P., *Bibliotheca orientalis* (1949), 2:59 f.; and by H. Junker, *Theologische Revue* (1949), 1:15-17; W. Zimmerli, *1 Mose 1-11: du Urgeschichte* (Zürich, 1943) (not seen); cf. Bea in *Biblica* (1944), 85 ff.; J. Prado, "La historia bíblica de los orígines," *Sefarad* (1946), 383-415; U. Cassuto, *From Adam to Noah* (Jerusalem, 1944) (in Heb.), a thorough study which should be continued to cover all Genesis; *id., La questione della Genesi* (Florence, 1934), and *The documentary Hypothesis and the Composition of the Pentateuch* (Jerusalem, 1941) (in Heb.); Cruveilhier and Pirot in *D.B.* Suppl. art. "Genèse" (1936), 590-613 (on Chapters I-III); Fr. Ceuppens, O.P., *Genèse I-III* (Malines, 1943); cf. review by Schooneveld in *Biblioth. Or.* (1949), 1:23 f.; A. Van Hoonacker in "Expositor" (1914),

In the account of Creation (Chap. 1), the Author clearly is not interested in the universe for its own sake, nor does he mean to relate the history of its formation as a matter of scientific character. His point of view, as has been noted repeatedly, is anthropocentric: man "the image and likeness" of God is the goal of creation; all nature is for the service and under the rule of man. There are, of course, some other essential points of religious teaching in this chapter: the unity and omnipotence of God, the total dependence of all things on God, etc. All such religious lessons to be found in our chapter support evidently the claim that the Author is primarily a religious teacher, not a scientist to whom the question of the actual process of the world's formation is a matter of prime interest. But in his description of the works of creation, the Author will naturally use the modes

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481-98; (1918), 373-400 (on Chap. II and III); Van den Oudenrijn, O.P., *De zonde in den tuin: een exegetisch studie over Gen. 2, 4-3, 24* (1939); cf. Bea, *Biblica* (1944), 73-78; P. Humbert: *Études sur le récit du paradis et de la chute dans la Genèse* (Neuchâtel, 1940); cf. Bea, *Biblica* (1944), 73-78; J. Coppens: *La connaissance du bien et du mal et le péché du paradis* (1948), an excellent detailed study; *id.*, "Le sens de Gen. II et III," in *Ephem. Theol. Lovan.* (1947), 179 ff. (On Dubarle, O.P., *Les sages d'Israel*, Paris, 1946, pp. 7-24.); cf. Y. Laurent, "Le caractère historique de Gen. II et III dans l'exégèse française au tournant du XIX^{e}-siècle," *Ephem. Theol. Lovan.* (1947), 36-69. Prof. H. Heras, S.J., a specialist in Indian studies, has written a number of articles on different points of Gen. I-XI in which he advocates the existence of relations between Proto-Indian traditions and the Biblical accounts. For part of the Bibliography, see B. Gelada in *Estudios biblicos* (1947), 405 f. Several of the articles are available in *Estudios biblicos* (1941), 53 ff., on Paradise; (1941), 209 ff., on the Flood; cf. also *Cath. Bibl. Qu.* (1948), 131 ff., on "the Crow" of Noe; and *Est. bibl.* (1948), 293 ff. on the Tower of Babel. Before adopting the apologetic conclusions of those studies, it should be remembered that we have here a sort of Pan-Indian or Pan-Dravidian theory which lacks serious foundations: the deciphering of the writing is arbitrary, and only one of conflicting attempts; the fact is that not one sign has been identified and read with certainty so far in spite of the efforts of scholars; the language is entirely unknown; we do not know the identity of the people, their race, their history. Hence the whole interpretation is a mere hypothesis. Besides, the high antiquity claimed by the learned author for the civilization of Mohendjo-Daro and Harappa is not proved, but rather assumed as a fact, see B. Celada: "Cultura e inscripciones de la antigua India: ?relaciónes con el mundo bíblico?" in *Estudios biblicos* (1947), 403-26; (1948), 29-76; also D. Diringer, *The Alphabet* (New York, 1948), pp. 81-88.

of expression current in his time, expressions which reflect the science of the Ancients, from which therefore it is possible to reconstruct their view of the world, expressions and figures found in traditions and literary compositions known more or less extensively among his readers. But all this forms only the literary clothing of his thought, the means of conveying his thought in a readily intelligible way: the thought, the substance, is the religious teaching itself. Hence the world of which the Author speaks is the world known to him and to his contemporaries: the earth of historical times with the outlines of continents and countries, the rivers and the mountains and valleys, as they were known in his time and had long been known to man; not the earth revealed to us by geology and palaeontology; the animals are those of the historical period, so that his list includes as a matter of course even the domestic animals: apparently it is taken for granted that they have always been "domestic" (*cf.* 1:20, 24 f., 28, 30); the prehistoric monsters, even the animal life contemporary with early man as we know from palaeontology, are outside the Author's interest and knowledge.

The ancient geographical notice in 2:10-14, intended to situate Paradise more definitely, is obscure in part, and this explains how so many different locations have been proposed, from the North Pole to Southern Arabia, even outside the earth.[16] But at least two of the rivers are known from historical geography (the Tigris and the Euphrates) and this should invite us to identify the other names with rivers known from history to the ancients (*cf. apud* Heinisch, *Genesis,* pp. 114 ff.); but, of course, the information of the ancients need not coincide with that of modern scientific geography. There is in the Garden the breeze of the day (3:8), the evening wind—according to the Oxford Hebrew Lexicon 924—which allows the Oriental to issue forth from his dwelling (Driver, *Genesis,* 46).[17] The other geographical allusions are to

[16] Cf. the account of the Fall in the Qoran: "Shaytan caused them [Adam and his wife] to slip from it [the Garden] and to come out of their state. And we [God] said: Fall ye down . . . on the earth you (shall) have a dwelling place": 2:36; 7:24; also in part 20:123. (The verses according to the Egyptian edition).

[17] So with most commentators who see here a strong anthropomorphism. However, attention should be called to other explanations adopted by Jewish commentators according to whom Adam and Eve "heard God's voice as it

the earth as we know it in the historical period: thus, the mountains of Ararat—the Urartu of the Cuneiform texts, *i.e.* Armenia *grosso modo* (8:4), and a considerable number of the names in the lists (10:2 ff.; 11:10 ff.) which can be identified now from ancient texts. But the Land of Nōd (4:16), east of Eden, is unknown. The text, by describing Cain as a wanderer *(Nād)* (4:12, 14) brings the Land of Nōd into relation with the idea of wandering and suggests that it is the land of a homeless wanderer.[18] So also is the city of Hanok (4:17) unknown, though some have proposed Erech or Larsa in Babylonia, called anciently Unuki *(cf. v. gr. apud* Böhl, *Genesis* (1923), I, 174: in the series *Tekst en Uitleg).*

When the tradition took the shape in which our Author reproduces it, man had for many millennia become a tiller of the ground. For a long time he had been reaping harvests of grain and making bread, bread so important a part of his daily food that it had become synonymous with food itself. Hence in 3:19 Adam may be described as destined to eat bread in the sweat of his brow without any feeling of incongruousness, though bread was to become the food of man long ages after. The activities of Adam and his children are pictured in terms borrowed from the life of the peasant in the later age. Adam himself is to till the garden and to keep it (3:15, 17). More definitely still in the case of Cain[19]: for he is a tiller of the soil and he offers to the Lord part of the produce of the soil (4:2-3). Abel is a shepherd (4:2). This implies the domestication of animals in the very first genera-

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came (was carried) on the wind of the day." Cf. *ap.* B. Jacob: *Das Erste Buch der Torah* (Berlin, 1934), p. 108. cp. A. Ehrlich, *Randglossen*, I (Lpg., 1908), pp. 13 f.

[18] "Cain went out from the presence of the Lord and dwelt in the land of Nōd [*Greek:* Naid] on the east of Eden." The *Vulgate* takes *Nōd* as an adjective: habitavit *profugus* in terra (variant in Cod. Am. agrees better with the Hebr. order of words: in terra profugus. Cf. Stummer, *Einf. in die latein Bibel.* [Paderborn, 1928], p. 217. St. Jerome attests explicitly the reading Nōd as in our Heb. text, but he follows the interpretation of Symmachus and Theodotion (cf. F. Field, *Hexapla*, I [1875], 19). Cain's wife has roused the curiosity of many a reader of Genesis: cf. P. Riessler in *Tüb. Qu. S.* (1930), 419. On the whole section 4:17-24, cf. Deimel, S.J., in *Biblica* (1922), 438 ff.

[19] See especially the excellent essay of Fr. Buzy: "Le concordisme préhistorique . . ." in *Mélanges Podechard* (Lyon, 1945), 17-26.

tion of mankind. He also offers sacrifices, animal sacrifices. Sacrifices—which the tradition will have conceived naturally along the lines of the sacrifices of the historical period—imply fire. The tradition, therefore, takes for granted the knowledge of fire, "the first scientific conquest of mankind," something of such primordial necessity that we can hardly imagine man without it. This is perhaps the reason why our narrative assumes the knowledge of fire, though in fact the production, preservation and use of fire in the preparation of food is a mystery (G. Goury: *Origine et évolution de l'homme:* 1:2 [Paris, 1948], pp. 90 ff.). Immediately after, in the line of the Cainites, there is a rapid development of civilization. Cain builds a city (4:17) to which he gives the name of Henoch *(Hanōk)* after his son, according to the traditional text from which we have no sufficient reason to depart, though some critics correct it so as to make Henoch himself the builder. The word "city" here should not be weakened to mean a mere group of tents or huts; it means as elsewhere in the Bible a collection of permanent buildings or houses grouped together in a definite way, with a sufficiently large number of inhabitants, even if it is not a Nineve or a Babylon. In spite of the attempts of commentators, the city cannot be identified with any known city. Further, in the light of the evidence about early mankind, a city in that period is unthinkable.[20]

(To be continued)

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[20] Philo judged the founding of a city by Cain rather strange, though he did not question the account. Cf. Wolfson, *Philo* (Haw. U.P.), I (1948), 123, 125.

MISSION INTENTION

The Holy Father's Mission Intention for August, 1950, is the "Conversion of Protestants in Mission Lands."

ASSUMPTION THEOLOGY IN THE *TRANSITUS MARIAE*

The study of the reasons for the Assumption in the literature known as the *Transitus Mariae* brings one face to face with a very important problem, namely, the origin of this belief. It is known that there is no explicit reference in Scripture to Mary's Assumption. There is nothing in Scripture regarding Mary that corresponds to the explicit statements regarding Christ's Resurrection and Ascension. Furthermore, in the patristic tradition of the first six centuries we find a void regarding this problem.[1] After investigating the patristic literature, M. Jugie in 1926 brought forth evidence in which he thought he had shown that this period was not completely silent on this phase of Mariology.[2] However, F. Cavallera and J. Rivière challenged his views and conclusions on this point and showed that they were premature and unwarranted.[3] In 1944, after years of study and after approaching these sources more soberly and critically, Jugie concluded: "We have not found any absolutely clear and explicit testimony to the glorious Assumption of the Mother of God as understood by Catholic theology of our times."[4] Even at this time, however, Jugie tried to make capital of the views of Timothy of Jerusalem who, he claimed, lived c. 400 and who stressed the immor-

[1] On the supposition that the Assumption is implicitly revealed, no explicit Scriptural reference, apostolic oral tradition, or patristic tradition are necessary. On the nature of an implicitly revealed truth, and on the application of this to the Assumption, cf. P. Vadeboncoeur, "Comment reconnaitre une doctrine révélée," in *Vers le dogme de l'Assomption* (Montreal: Fides, 1948), 75-91; J. Lonergan, "The Assumption and Theology," *ibid.*, 411-24.

[2] M. Jugie, "La mort et l'Assomption de la Sainte Vierge dans la tradition des cinq premiers siècles," *Echos d'Orient*, XXV (1926), 5-26, 129-43, 281-307.

[3] F. Cavallera, "A propos d'une enquête sur l'Assomption," *Bulletin de littérature ecclésiastique*, XXVII (1926), 97-116; J. Rivière, "Questions mariales d'actualité," *Revue des science religieuse*, XII (1936), 77-82.

[4] M. Jugie, "La mort et l'Assomption de la Sainte Vierge. Etude historico-doctrinale" (*Studi e testi*, CXIV [Vatican City, 1944], 101). This is Jugie's monumental work on the Assumption. The fact that many disagree with Jugie on various points should not make us lose sight of the tremendous value and importance of the work.

tality of Mary.[5] This view did not go unchallenged. In his critical observations on a work by O. Faller,[6] who laid great stress on the testimony of Timothy, the noted patrologist, B. Altaner, argued that it was impossible for the sermon of Timothy to be dated c. 400 and that it should be dated later.[7] Furthermore, a year later B. Capelle proved that the so-called Timothy of Jerusalem was in reality an unknown author from Antioch who lived somewhere in the period from 600 to 800, and whose testimony cannot be cited as favorable to the doctrine of the Assumption.[8] Moreover, both Altaner and Capelle show that the patristic period contains no historical evidence for the Assumption of the Blessed Virgin Mary. The absence of an explicit reference in Scripture, the lack of a patristic tradition, the inconsistencies and contradictions in the *Transitus Mariae* on the final lot of Mary, and the fact that the *Transitus* was not at once accorded a universal acceptance,[9] argue, as Jugie had already pointed out, to the non-existence of a positive oral tradition of Apostolic origin regarding the final lot of Mary.[10] All these things add up to the fact that we do not have a genuine historical tradition on the Assumption.[11] In other words, Mary's Assumption is not a fact of history in the sense that it can be proven historically. This is the reason why writers insist that the problem of the Assumption must be treated not from the historical

[5] *Ibid.*, pp. 70-76.

[6] O. Faller, *De priorum saeculorum silentio circa Assumptionem Beatae Mariae Virginis* (Rome: apud aedes Universitatis Gregorianae, 1946).

[7] B. Altaner, "Zur Frage der Definibilität der Assumptio B. M. V.," *Theologische Revue*, XLIV (1948), 130. Altaner also takes up the question of the interpretation of Epiphanius, and considers point by point Faller's remarks on the silence of the early centuries.

[8] B. Capelle, "Les homélies liturgiques du prétendu Timothée de Jérusalem," *Ephemerides liturgicae*, LXII (1949), 20 ff.

[9] B. Altaner, *Theologische Revue*, XLIV (1948), 136.

[10] M. Jugie, *op. cit.*, pp. 168, 171, 585-89, 609-12.

[11] B. Altaner, "Zur Frage der Definibilität der Assumptio B. M. V.," *Theologische Revue*, XLV (1949), 129-42. In this second article Altaner discusses the work of Jugie. The conclusions from both articles is that there is no genuine historical tradition regarding the Assumption of Mary. Factually, this conclusion is true and unassailable. However, from the standpoint of theology and dogma, it is not necessary to have an historical tradition. Cf. I. Filograssi, "Traditio divino-apostolica et Assumptio B. V. M.," *Gregorianum*, XXX (1949), 443-89.

approach but from the theological. Thus Pohle, after stating the impossibility of proving the Assumption historically, goes on to a theological treatment because the belief in the Assumption did not originate in historical documents but mainly in dogmatic considerations concerned with Our Lady's prerogatives.[12] Bartmann likewise remarks that the question of the Assumption must be shifted from the field of history to that of theological speculation.[13]

In the light of the remarks about the non-existence of early testimonies to the Assumption, it is readily seen that there is a problem when a full-blown literature appears that mentions Mary's Assumption. The problem centers about the source of the knowledge of the Assumption in the Apocrypha, and the source of the reasons that they give for the glorification of Mary. To appreciate this problem something must be said about this literature known as the *Transitus Mariae*.

THE *TRANSITUS MARIAE*

The *Transitus Mariae* is a type of literature that belongs to the apocryphal works of the New Testament, works noted for their attempt to satisfy curiosity regarding Christ and anything connected with the work of Christ. Often they were written by heretics as a vehicle of commending their false doctrines.[14] The *Transitus* literature is the last of the New Testament apocrypha. It attempts to supply for the silence—and to fill the *lacunae* of the canonical books, regarding the life, death, and final lot of Mary.[15]

It is not easy to determine the time, place of origin, and dependence of these documents. Indeed, on these points the last word has by no means been said. Incidentally, it would be a decided advantage if someone could do for these works what Schwartz and Connolly have done for the early Church Orders. Regarding the place of origin, M. James, A. Wilmart, and A. Baumstark think that they originated in Egypt.[16] M. Jugie, who

[12] J. Pohle—A. Preuss, *Mariology* (St. Louis: Herder, 1926), pp. 107 ff.

[13] B. Bartmann, *Lehrbuch der Dogmatik*, I. (Frei.-im-Brei.: Herder, 1923), 460.

[14] J. Frey, "De libris apocryphis," *Institutiones biblicae*, I (Rome, 1929), 144.

[15] M. Jugie, "La mort et l'Assomption," pp. 103 f.

[16] M. James, *The Apocryphal New Testament* (Oxford: Clarendon, 1924), p. 194; A. Wilmart, "L'ancien récit latin de l'Assomption" (*Studi e testi*, LIX [Vatican City, 1933], 323); A. Baumstark, "Der leibliche Himmelfahrt der allerseligsten Jungfrau," *Oriens Christianus*, IV (1904), 390.

has given a detailed study to these documents, now looks to Syria as the place where the *Transitus* developed. As regards the time, Jugie thinks that it developed towards the end of the fifth century, after the solemn declaration of the Divine Maternity had given a great impetus to the development of Mariology.[17] The golden age of the *Transitus* literature was the sixth century. From then on it developed rapidly, as seen from the numerous versions and recensions in so many languages.[18] With their attention focused on the supereminent dignity of Mary, the authors of these accounts began to write about the miracles associated with the death of Mary and to speculate on her final lot after death. All this is often written in a fantastic manner; the accounts are surcharged with a hunger for the miraculous and the extraordinary to such an extent that they manifest bad taste not only stylistically but also theologically. B. Altaner gives a very plausible reason that explains the nature and style of this type of literature. He notes that these accounts were written at a time when writers gave free rein to their imagination in composing legendary acts of the martyrs and lives of the saints. At a time when the number of Christians had greatly increased and when there was a great influence of Christianity in every sphere of life, a keen disappointment was felt over the fact that the genuine traditions regarding so many of the heroes of the first three centuries were so sparse. The fourth to sixth century is the period of numerous spurious acts of the martyrs, and legendary accounts of the discovery of the graves and relics of various martyrs. This type of literature satisfied the craving of a growing number of Christians for miraculous accounts regarding these persons and events.[19] This reason, I think, explains the mentality of writers who tried to give information regarding Mary's life after the Ascension of Christ. It

[17] M. Jugie, *op. cit.*, pp. 81, 108 f., 169; F. Cayré, "L'Assomption aux quatre premiers siècles," in *Vers le dogme de l'Assomption* (Montreal: Fides, 1948), pp. 147 f.

[18] C. Balić, *Testimonia de Assumptione Beatae Mariae Virginis.* Pars prior (Rome: Academia Mariana, 1948), pp. 14-65, 137-53; M. Jugie, *op. cit.*, pp. 103-71; A. C. Rush, "The Assumption in the Apocrypha," *AER*, CXVI, 1 (Jan. 1947), 5-31.

[19] B. Altaner, *Theologische Revue*, XLIV (1948), 136.

explains the constantly recurring miracles in the *Transitus Mariae*. However, for the introduction of the Assumption theme, deeper and more cogent reasons are at hand.

THE ASSUMPTION THEME IN THE *TRANSITUS MARIAE*

To explain the Assumption theme in the *Transitus Mariae,* we must bear in mind that, under one aspect, these apocryphal accounts are of great value, and that, under another, they are worthless. As historical accounts of the Assumption they are worthless. True, they try to pass as elucubrations of the Apostles or of people closely associated with the Apostles; they try to pass as historical accounts of the actual events. In this they are not to be taken seriously. With no explicit reference in Scripture, with no apostolic tradition, with no previous testimony in patristic literature, these apocryphal accounts are not historical reports worthy of credence. In this regard they are pure legends; they cannot be regarded as having a foundation in a genuine historical tradition.[20] From a doctrinal point, however, they are of great value. They show the mentality and belief of the time in which they were written; they manifest the reaction of Christians once they became consciously aware of the explicit problem of the lot of Mary after death; they are witnesses to the solution given this problem.[21] She who was extraordinary in life, they claimed, was also extraordinary in death. This extraordinary element in Mary's final lot must be seen against its background. Here it must be noted that the *Transitus* literature is concerned primarily with the death of Mary; only toward the end is there a short section added on Mary's lot after death.[22] However, once they were confronted with the problem of Mary's death, these writers, with a solid Christian piety, revolted against the idea that the body of Mary remained in the grave to undergo corruption. In solving this problem they speak of the extraordinary lot of Mary after death. It is sometimes said that these apocrypha universally argue for Mary's Assumption. This is not true. Some speak of a genuine assumption; others speak of the translation of the body to Eden, to

[20] M. Jugie, *op. cit.*, pp. 167 ff.; B. Altaner, *Theologische Revue,* XLV (1949), 136.

[21] M. Jugie, *op. cit.*, pp. 169 ff.

[22] H. Jurgens, "Die kirchliche Ueberlieferung von der leiblichen Aufnahme der seligsten Gottesmutter in den Himmel," *Zeitschrift für katholische Theologie,* IV (1880), 602.

paradise, where it is preserved incorrupt under the tree of life.[23] Both solutions manifest the belief that there was an extraordinary intervention on the part of God regarding the final lot of Mary after death.

Although there is no historical tradition on the Assumption prior to this time, the solutions found in the *Transitus* are not merely the products of imaginations allowed to run wild; the authors did not snatch their answers out of the air. There really was something on which they based their conclusions. Thus, Mary was revered as the Mother of God, as one who had clothed Christ in human flesh, as one who was a virgin *ante partum, in partu,* and *post partum.* She was hailed as the second Eve who had co-operated in the work of Christ, the second Adam. She was saluted as a creature pre-eminent in holiness and outstanding in virtue. When the Nestorians attacked the already established and accepted position of Mary as θεοτόκος,[24] they met a firm and determined opposition that culminated in the solemn declaration of Mary's legitimate role as θεοτόκος. Thus, if the period before the *Transitus* literature is a void as far as the Assumption is concerned, it is by no means a void regarding Mariology in general.[25] This corpus of Mariology is at the background for the Assumption theme in the *Transitus Mariae.* In the light of this it is important to study these authors to see why they thought, and on what they based their view, that the body of Mary did not see corruption, that there was a special intervention of God regarding the final lot of Mary that made her stand out among all creatures, that Mary was glorified not only in soul but also in body. In fact, in many ways the study of the reasons given for the glorification of Mary

[23] M. Jugie, *op. cit.*, pp. 105, 169.

[24] J. Tixeront, *History of Dogmas,* II (St. Louis: Herder, 1923), 31, 99, 125, 212; E. Dublanchy, "Marie, maternité divine," *DTC,* IX, 2 (1927), 2349-55; V. Schweitzer, "Alter des titels Theotokos," *Katholik,* III, ser. 17 (1903), 97-113. Cf. R. Meyer, "St. Athanasius: The Life of St. Anthony" (*Ancient Christian Writers,* X [Westminster, Md.: The Newman Press, 1950], 115).

[25] G. Joussard, "Marie à travers la patristique. Maternité divine, virginité, sainteté," in *Maria. Etudes sur la Sainte Vierge.* Sous la direction d'Hubert du Manoir (Paris: Beauchesne, 1949), pp. 71-157. Cf. O. Bardenhewer, *Marienpredigten aus de Väterzeit übersetzt* (Frei.-im-Brei., 1934); T. Livius, *The Blessed Virgin in the Fathers of the first six Centuries* (London, 1893).

is more important than the study of the variations in which this glorification is described. In studying the reasons for this extraordinary phenomenon, attention will be given to the earliest of these documents, to those that are prototypes rather than later recensions which were influenced not only by the earlier apocrypha but also by the theological speculation then current in various circles. Furthermore, of these we will single out some in various languages, the purpose being to show the theological trend rather than to make a tedious and repetitious study of the theology in each and every document.

THE FIFTH-CENTURY SYRIAC *TRANSITUS*

In Syriac there is a work called *The Obsequies of the Holy Virgin,* which Wright published from a manuscript of the latter half of the fifth century.[26] This is a work that Jugie regards not as a recension but as an original, and as the oldest of the *Transitus* documents.[27] This work does not enter into reasons for the glorification of Mary, but states it as a fact, as something taken for granted. This account remarks that Christ and Michael appeared to the Apostles at the grave, and then goes on to say:

> And the Lord said to Michael: "Let them bring the body of Mary into the clouds." And when the body of Mary had been brought into the clouds, Our Lord said to the Apostles that they should draw near to the clouds. And when they drew near to the clouds they were singing with the voice of angels. And Our Lord told the clouds to go to the gate of Paradise. And when they had entered Paradise, the body of Mary went to the tree of life; and they brought her soul and made it enter her body.[28]

Thus, this fifth century Syriac *Transitus* explicitly affirms the resurrection of Mary, and the reunion of the soul with the body of Mary that took place in Paradise under the tree of life. To say the least, this work is a testimony to the belief of the people of the period who thought that it was repulsive for the body of Mary to undergo corruption. It is very significant that this early solution called for a true resurrection of the body of Mary.

[26] W. Wright, *Contributions to the Apocryphal Literature of the New Testament, collected and edited from manuscripts in the British Museum* (London, 1865), preface, 11.

[27] M. Jugie, "La mort et l'Assomption," p. 108.

[28] "Obsequies of the Holy Virgin" (W. Wright, *op. cit.*, 46 f.).

ST. GREGORY OF TOURS

For a long time, writers with a distrust of the apocryphal accounts of the Assumption thought that they had in Gregory of Tours an authentic patristic witness who was independent of the apocryphal legends. However, Gregory of Tours copiously utilized legendary accounts and Jugie has argued that he used the above-mentioned Syriac account which was brought to the West and translated into Latin.[29] Gregory gives a very simple and sparse account of the Assumption. After stating that the body had been placed in the tomb Gregory goes on to say: "Once again the Lord appeared to the Apostles and ordered the sacred body, which had been taken up, to be borne on a cloud into paradise. There, after being reunited with its soul, it rejoices with the elect and enjoys the blessings of eternity that will never end."[30]

Gregory does not go into reasons why this should take place. The only inkling given is the vague reference that this privilege was accorded to a body that was sacred. In a later chapter, Gregory refers back to the above passage. He mentions the fact that the Lord led the procession as Mary was taken up into heaven amid the singing of angelic choirs. In this case, however, he mentions the fact that she who was assumed into heaven was Mary, the glorious Mother of Christ who was a virgin before and after bearing Christ.[31] It would be concluding too much to say that Gregory explicitly argues a direct causal connection between the Assumption and the sacredness of the body of Mary, together with her Virginity and Divine Maternity. However, there is an implicit connection between the Assumption and Mary's other privileges. In other words, in some way the privilege of an Assumption was accorded Mary because her body is sacred and because she is the Virgin Mother of Christ. The justification for this conclusion is all the greater especially when seen in the light

[29] M. Jugie, *op. cit.*, pp. 109 f. Altaner mentions that the dependence of Gregory on this Transitus is very probable. Cf. *Theologische Revue*, XLV (1949), 135.

[30] Gregory of Tours, *Liber I miraculorum. In gloria martyrum*, 4 (Monumenta Germaniae historica, Scriptores rerum Merovingicarum I [Hanover, 1885], 489).

[31] *Liber I miraculorum. In gloria martyrum*, 8 (*ibid.*, 493).

of the direct causal connection between the Assumption and the other privileges of Mary that are contained in other apocryphal accounts.

THE LATIN ACCOUNT OF PSEUDO-MELITO

One of the outstanding of the early *Transitus* and one which has been characterized as a quasi-official version in the Latin Church is that of Pseudo-Melito.[32] This is outstanding not only for its explicit affirmation of the Assumption of Mary in body and soul, but also for the developed Assumption theology which it contains. To understand Pseudo-Melito the following observations must be kept in mind. The earliest Syriac version had made its way into the West. Many features of this, e.g., Mary's tremendous fear of death, fantastic descriptions, etc., were repulsive to the Christian mind. Thus, the *Transitus* was listed in the books proscribed by the *Decretum Gelasianum* at the beginning of the sixth century.[33] Pseudo-Melito, who poses as a disciple of St. John, proposes to give an expurgated version in which the death and Assumption of Mary are written up in a more becoming manner.[34] This *Transitus* is a sixth century product that appeared after the *Decretum Gelasianum*. Jugie thinks that it can be dated c. 550.[35]

Pseudo-Melito delves at length into the reason why the Assumption of Mary took place. Throughout the work there is the constant repetition of the theme that Mary is the Mother of Christ, the Lord, that Mary is a Virgin, that the body of Mary is sacred. There is a much more precise and explicit affirmation of these truths when the actual Assumption is described. After the burial of Mary, Christ is portrayed as appearing to the Apostles and saying:

> Before I ascended to my Father, I promised you, saying, that you who have followed me, in the regeneration when the Son of Man shall sit on the throne of His majesty, you also shall sit on the twelve thrones,

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[32] A. Wilmart, "L'ancien récit latin de l'Assomption" (*Studi e testi*, LIX), 323.

[33] B. Altaner, *Theologische Revue*, XLIV (1948), 136; M. Jugie, *op. cit.*, p. 110.

[34] Pseudo-Melito, *Transitus Beatae Mariae*—C. Tischendorf, *Apocalypses apocryphae* (Leipzig, 1866), p. 124, note. In the edition of Tischendorf this prologue is printed as a note. In other editions it is printed as the first paragraph of Pseudo-Melito.

[35] M. Jugie, *op. cit.*, p. 112.

judging the twelve tribes of Israel. I have chosen this woman out of the tribes of Israel by the command of my Father to be my dwelling place. What, then, do you wish that I should do with her?[36]

Peter and the Apostles answered:

> Lord, thou hast chosen this thy handmaid to become thy immaculate chamber, and us thy apostles for the ministry. Before the ages thou hast foreknown all things with the Father, with whom to thee and the Holy Spirit there is one equal divinity and infinite power. If therefore it might be brought about by the power of thy grace it has seemed right to us thy servants that as thou, having overcome death, reignest in glory, so thou shouldst raise up the body of thy mother and take her with thee rejoicing in heaven.[37]

When Christ was about to raise Mary from the dead, He called into the tomb and said: "Arise, my love and my mother. Thou who didst not suffer corruption by carnal intercourse, thou shalt not suffer corruption in the sepulcher."[38] Immediately after this Mary was received into "the paradise of God together with Christ and the angels."[39]

From this it is readily seen that there is a direct causal connection between the Assumption and the other privileges of Mary. Pseudo-Melito thought that Mary should be accorded this glorification because her body is sacred, because she is the Mother of God, because she is the Virgin Mother. Furthermore, he stresses the intimate union between Christ and Mary, and the parallel between the victory of Christ and Mary over death.

THE GREEK ACCOUNT OF PSEUDO-JOHN

Of parallel importance with the Latin account of Pseudo-Melito is the Greek account by Pseudo-John, who poses as St. John the Evangelist.[40] According to Jugie this is a sixth century work composed before the reign of the Emperor Maurice: 582-602. This work contains no mention of the feast of the *Dormitio*. Further-

[36] *Transitus Beatae Mariae*, 15. 2 (C. Tischendorf, *op. cit.*, p. 134).

[37] *Transitus*, 15. 3 (*ibid.*, pp. 134 f.).

[38] *Transitus*, 16. 1 (*ibid.*, p. 135).

[39] *Transitus*, 17. 2 (*ibid.*, pp. 135 f.). Balić sees in Pseudo-Melito the germ of the Mariological principle: *Potuit, decuit, fecit.* Cf. *Testimonia de Assumptione.* Pars prior, p. 141.

[40] Pseudo-John, *Liber de dormitione Mariae* (C. Tischenforf, *op. cit.*, p. 95).

more, it pictures Mary as dying on a Sunday. Hence it is anterior to the time of Maurice who stipulated that the feast of the *Dormitio* be celebrated in the Byzantine church on August 15.[41]

This Greek account of Pseudo-John is important because it furnishes a second prototype of the *Transitus*. There is no doubt that in Pseudo-John the body of Mary does not see corruption. However, he seems to draw a distinction between the lot of the body and soul of Mary in so far as the body is said to be translated to paradise while the soul is in the heavens in the treasuries of the Father. However, the body in this paradise is preserved incorrupt.[42] No mention is made of the reunion of the soul with the body or of the body being with the soul in the treasuries of the Father. Even if this is the only glorification accorded Mary by Pseudo-John, he does teach that Mary's final lot was exceptional and extraordinary. Hence it is important to see why he thought that God granted Mary this special privilege.

Throughout the work Pseudo-John stresses the fact that Mary is "all holy," that she is the "glorious Mother of God," that she "bore Christ," that the body of Mary is "holy and precious." He constantly reminds the reader that he is speaking of the "Mother of God and ever-Virgin, Mary." Every grace and favor bestowed upon Mary is granted her because of these privileges; every time she asks God for anything she asks it in view of these prerogatives. Specifically, her departure in glory that distinguished her from every other creature is bound up with these privileges. Thus, when John was miraculously transported to Mary to be present at her death, he says: "Hail, O mother of my Lord who didst bear Christ our God. Rejoice because thou departest out of this life with great glory."[43] When Mary expressed fear that the Jews would attempt to burn her body, John answered: "Thy holy and precious body shall not see corruption."[44] Reporting the conversa-

[41] M. Jugie, "La mort et l'Assomption," pp. 117, 175.

[42] Pseudo-John, *Dormitio*, 37-39, 49 (C. Tischendorf, *op. cit.*, pp. 106 f., 111). Whether more can be argued from Pseudo-John regarding the glorification of Mary, cf. C. Balic, *op. cit.*, pp. 21 ff. If a study of Pseudo-John in the light of the intricate eschatology of the times will warrant a more generous conclusion, so much the better. Until this is definitely and definitively done, it seems better not to try to prove too much, since thereby one proves nothing.

[43] *Dormitio*, 6 (*ibid.*, p. 97).

[44] *Dormitio*, 10 (*ibid.*, p. 98).

tion between Christ and Mary before her death, Pseudo-John writes:

> And the Lord said unto her: Be not grieved but let thy heart rejoice and be glad, for thou hast found grace to behold the glory that was given me of my Father. And the holy mother of God looked up and saw in him glory which the mouth of man cannot utter or comprehend. And the Lord abode by her saying: Behold henceforth shall thy precious body be translated unto paradise, and thy holy soul shall be in the heavens in the treasuries of my Father, in surpassing brightness where there is peace and the rejoicing of the holy angels. . . .[45]

After Mary was buried the angels sang at her tomb for three days. When the singing ceased they knew that "her spotless and precious body was translated into paradise."[46]

The glorification accorded Mary, therefore, was granted her because hers was a body that was holy, sacred, precious and venerable, because she was a Virgin, because she was the Mother of God. He who glorified Mary in life by making her His Mother also gave her an exceptional glory in the next life shortly after death.

THE COPTIC ACCOUNT OF THEODOSIUS

There exists in Bohairic, the dialect of northern Egypt, a sermon delivered by Theodosius. There was a Jacobite patriarch of Alexandria by the name of Theodosius who reigned from 536 to 567/8.[47] Everything points to the fact that this sermon was, in reality, delivered by Theodosius and that it was delivered for the feast of the Assumption on Mesore 16 (Aug. 9).[48] The document

[45] *Dormitio,* 39 (*ibid.,* pp. 107 f.).

[46] *Dormitio,* 48 (*ibid.,* p. 111). For the lengthy Syriac version that is closely allied to Pseudo-John, cf. C. Balić, *op. cit.,* pp. 31 ff.; M. Jugie, *op. cit.,* pp. 121 f.; A. C. Rush, *AER,* CXVI, 1 (Jan. 1947), 20 ff. This stresses the holiness of Mary, her virginity, and Divine Maternity. Cf. W. Wright, "The Departure of my Lady Mary from the World" (*Journal of Sacred Literature and Biblical Record,* Fourth series, VII [1865], 130, 150).

[47] E. Renaudot, *Historia Patriarcharum Alexandrinorum Jacobitarum* (Paris, 1713), pp. 136-43; E. Amann, "Théodose d'Alexandrie," *DTC,* XV, 1 (1946), 325-28.

[48] M. Chaine, "Sermon de Théodose, patriarche d'Alexandrie, sur la Dormition et l'Assomption de la Vierge," *Revue de l'Orient chrétien,* XXIX (1933-34), 272-314. M. Jugie, *op. cit.,* p. 128. The text of the sermon with an English translation is published by F. Robinson, "Coptic Apocryphal Gospels" (*Texts and Studies,* IV, 2 [Cambridge, 1896]). Robinson's edition omits the long prologue and the epilogue.

presupposes Mary's death on Tobi 21 (Jan. 16) and her Assumption seven months later. This sermon is remarkable for its explicit teaching on the death, resurrection, and Assumption of Mary. Three times Theodosius announces what Mary's glorification is to be. He pictures Christ as saying to those who were sad at the thought of Mary's death:

> Be of good cheer, My friends and apostles. I will not suffer her to be long away from you, but she shall appear to you quickly. There are two hundred and six days from her death until her assumption. I will bring her to you arrayed in this body again, even as this body also, as you now see her, whilst she is with you. And I will translate her to the heavens to be with My Father and the Holy Ghost, that she may continue praying for you all.[49]

The same promise was made by Christ after Mary died.[50] As the body was being brought to burial, Theodosius pictures a Galilean as saying: "This corpse that is borne, this is the daughter of Joakim and Anna, who bare the Messias who is Christ. He it was who healed your sick, and gave light to your eyes, and raised your dead. We believe that as He raised your dead, He will raise His mother also and will take her to the heavens with Him."[51]

Not only does Theodosius give such explicit testimonies to the Assumption of Mary, but he also furnishes a very detailed and developed Mariology which is the reason for the Assumption. In other words, Theodosius believes that Mary should be glorified because of her many God-given privileges, that Mary's assumption flows from these prerogatives. Thus, when Christ appeared to raise up His Mother, Theodosius pictures Him as addressing Mary as follows:

> Arise from thy sleep, O thou holy body, which was to me a temple: wear thy soul which was to me a tent. Arise, O thou body, that dies according to nature: wear thy deathless soul, that thou mayest be altogether deathless, and that I may take thee to the land of the living. Arise, O thou body which regularly dissolves and corrupts according to

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[49] Theodosius, *The Falling Asleep of Mary*, 5. 22-28 (F. Robinson, *op. cit.*, p. 109).

[50] *The Falling Asleep of Mary*, 6. 13 (*ibid.*, p. 113).

[51] *The Falling Asleep of Mary*, 7. 7-10 (*ibid.*, p. 117).

nature,[52] wear thine incorruptible soul. Be altogether incorruptible and indissoluble unto the ages of ages. Arise. Why sleepest thou yet in the earth? Array thyself with thy soul, and come to the heavens with Me, unto My good Father and the Holy Ghost; for they long for thee. Arise, O thou body from which I built Me My flesh in a manner incomprehensible: wear thy soul which was to me a dwelling place. . . . Arise, O thou holy body: be joined to the blessed soul. Receive from me the resurrection before the whole creation. The inhabitants of heaven will be amazed, when they see thee arrayed with thy soul, even with immortality. They will say one to another, Who is this that has received his resurrection before the whole creation, arrayed and adorned thus? Peradventure this is the house of the Lord, this is the gate of heaven. Let us sing praise to our God herein, for the Lord loves it more than all the dwellings of Jacob. . . . Now arise and be joined to thy former unity, for I wait for thee, O thou that was made My temple.[53]

Describing the resurrection of Mary, Theodosius says:

Forthwith the body of the honorable Virgin arose, and embraced its own soul, even as two brothers who are come from a strange country, and they were united one with another. Forthwith the singer David came into the midst in that hour, and struck his harp saying, Mercy and truth are come forth to meet one another; justice and peace have embraced one another.[54]

Theodosius describes the Assumption of Mary into heaven until the time when they saw her no more. Then he continues: "Then we understood that today there were brought unto the king virgins, even the soul and the body which were united."[55]

A mere glance at this is sufficient to show that the entire approach of Theodosius is theological. The Assumption of Mary

[52] This is a very crucial text in this passage. Here I would like to express my thanks to Reverend Patrick Skehan, S.T.D., Associate-Professor of Semitic Languages and Literatures at The Catholic University of America, who translated this passage for me. Under no consideration can the text be construed as indicating that the body had undergone corruption when the Lord came to raise it up.

[53] Theodosius, *The Falling Asleep of Mary*, 8. 10-28 (*ibid.*, pp. 123 ff.).

[54] *The Falling Asleep of Mary*, 9. 2-7 (*ibid.*, p. 125).

[55] *The Falling Asleep of Mary*, 9. 14 (*ibid.*, p. 127). For the belief of the Assumption among the Copts, cf. M. Jugie, "La mort et l'Assomption," 297 ff.; C. Balić, *Testimonia de Assumptione*, pp. 98-103; A. van Lantschoot, "L'Assomption de la Sainte Vierge chez les Coptes," *Gregorianum*, XXVII (1946), 493-526.

is based mainly on the Divine Maternity, and on the fact that the flesh of Mary is the flesh of Christ.

THE COPTIC ACCOUNT OF PSEUDO-EVODIUS

There is another account written in Bohairic which has come down to us under the name of Evodius. Evodius represents himself as the first archbishop of Rome and as a disciple of St. Peter who is an eyewitness to all the things he relates.[56] This account is very similar to that of Theodosius in so far as it has the same general background of the death on the 21st of Tobi and the Assumption of the 16th of Mesore. Pseudo-Evodius clearly teaches the death and resurrection of Mary and also her Assumption into heaven in body and soul. Thus, when Christ told the Apostles to come back to the tomb for the 16th of Mesore, He is pictured as saying:

> And all you disciples, and the virgins that have tarried with you, come you all hither on the sixteenth of the month Mesore, that you may see My virgin mother when I take her to the heavens with Me, her soul being in her body, living as it was on earth with you, that you may believe with all your heart the resurrection which shall be to all flesh.[57]

Describing the events of the 16th of Mesore, Pseudo-Evodius says: "And the Lord called into the tomb, and raised the body of His Virgin mother, and put her soul into her body again; and we saw it living in the body even as it was with us formerly, wearing the flesh."[58] After this Christ put Mary in His chariot with Him and went up to the heavens in glory.

Even though Pseudo-Evodius poses as an eyewitness, this is not an historical account. His entire approach to Mary's glorification is theological. It is on theological considerations that he postulates the Assumption of Mary. Especially does he lay stress on the Divine Maternity and on the fact that Mary was a dwelling place of Christ. These graces made Mary blessed not only in soul but also in body. In the beginning of his sermon, Pseudo-Evodius addresses Mary:

[56] F. Robinson, "Coptic Apocryphal Gospels" (*Texts and Studies*, IV, 2), 207.

[57] Pseudo-Evodius, *The Falling Asleep of Mary*, 17. 3 (*ibid.*, p. 63).

[58] *The Falling Asleep of Mary*, 18. 10 (*ibid.*, pp. 64 f.).

Blessed art thou many times, O thou holy Virgin, because thy holy virgin womb was made worthy to become a dwelling place of the Word of the Father. . . . What is the honor wherewith I shall honor thee, O thou holy Virgin, O thou that shinest more than the sun and art better than the moon, O thou that art higher than the angels that have no body, O thou that art more beautiful than the Cherubim and the Seraphim and the Thrones and the Dominations?[59]

Before Mary's death Christ is pictured as addressing her in these words:

O Mary My mother, blessed are thou, because thou didst bring me forth upon the earth. Blessed are thy breasts because I received suck from them; and I am He who nourishes everyone. I also will take thee to the heavenly places of the height, and nourish thee with the good things of My Father. If then thou didst make Me sit upon thy knees, O Mary My virgin mother, I will also place thee on the chariots of the Cherubim, and take thee to the heavens with Me and My good Father.[60]

After Mary dies, Christ apostrophizes Mary and sings her praises and concludes with these words: "Blessed is thy blessed womb, for thou didst carry Me nine months. Blessed is all thy body and thy soul, for they were enlightened with the light of My Godhead."[61]

Pseudo-Evodius makes a very definite relationship between these privileges and the Assumption of Mary. After describing the resurrection of Mary, he immediately goes on to say:

And our Savior stretched out His hand, and set her on the chariot with Him. And our Savior answered and said to us in His gentle voice, Behold My beloved mother. This is she whose virgin womb carried Me nine months, and I was three years also receiving suck from her breasts which were sweeter than honey. Behold you see her face to face raised by Me from the dead, and she has blessed you all.[62]

In conclusion Pseudo-Evodius prays that "the Lady of us all, the holy God-bearer Mary, whose festival we keep today, may intercede for us with her beloved Son Jesus Christ."[63]

[59] *The Falling Asleep of Mary*, 3. 2,5 (*ibid.*, p. 46).
[60] *The Falling Asleep of Mary*, 7. 13-15 (*ibid.*, p. 53).
[61] *The Falling Asleep of Mary*, 13. 9-10 (*ibid.*, p. 61).
[62] *The Falling Asleep of Mary*, 18. 11-14 (*ibid.*, p. 65).
[63] *The Falling Asleep of Mary*, 19. 5 (*ibid.*, pp. 65 f.).

CONCLUSION

This study of the Assumption in the *Transitus Mariae* has shown practically and factually how important these documents are from the theological viewpoint. It is one thing to hold this theoretically; it is quite another thing to see it demonstrated practically and concretely when applied to a particular problem. The foregoing pages have brought out the importance of this literature for the study of Mary's Assumption. These documents show the belief of the people of those times regarding the final lot of Mary; they show on what the belief in the Assumption was based. There is no doubt that the entire approach is theological. It is true that they try to pass as history. In this regard, however, they are to be judged as legends. While trying to pass for historical accounts, what these documents really do is proclaim Mary's Assumption on theological principles. Herein lies their value and importance both historically and theologically.

It has sometimes been brought out that the legendary accounts in the *Transitus* are important because they gave the impetus for the purely theological basis for the Assumption as developed by the Greek theologians of the seventh and eighth centuries.[64] Actually, the *Transitus* literature did give such an impetus, and in the Greek writers of the seventh and eighth centuries there is a highly developed Assumption theology.[65] However, it seems that the *Transitus* literature did more than give an impetus to the theological handling of this question. The *Transitus* literature itself is to be reckoned as the origin of the movement to approach the Assumption of Mary from a theological viewpoint.

These documents are the oldest extant written testimonies to Mary's Assumption. The authors of these accounts found no explicit teaching on this in Sacred Scripture. Furthermore, patristic literature before their time was silent on this aspect of Mariology. When the authors of the *Transitus* wrote their legendary accounts of the marvellous miracles associated with Mary's death, their Christian piety revolted against the idea that Mary suffered the corruption of the grave. Then it was that in a short paragraph they wrote about the glorification of Mary. In some of these docu-

[64] B. Altaner, *Theologische Revue*, XLV (1949), 136.

[65] L. Carli, *La Morte e l'Assunzione di Maria Santissima nelle omelie Greche dei secoli*, VII-VIII (Rome, 1941).

ments this glorification is as clear and precise as the present-day understanding of the Assumption.

These early writers associate the glorification of Mary with her Divine Maternity, her spotless virginity, and her unique holiness. They emphasize the fact that the body of Mary was holy and sacred, that the body of Mary was a dwelling place of Christ, that the body of Mary clothed the Word of God in human flesh. They bring out the part played by Mary in the economy of the Redemption, and establish a parallel between the victory of Christ and Mary over death and its effects. On this they argued to the glorification and Assumption of Mary. To their minds the glorification and Assumption of Mary were contained in, flowed from, and were postulated by the above-mentioned truths.

Hence, it is foolish to say that the belief in the Assumption is based on worthless apocryphal legends.[66] Even more ridiculous is it to say that the "whole cultus of Mary in the Papal church rests on this [*Transitus*]."[67] Rather, the *Transitus* literature is important theologically. It represents Christian piety coming to an explicit consciousness and greater realization of what it believed was contained in Mary's God-given privileges. Since the days of the *Transitus* the theological approach to the Assumption has grown, developed, and become more precise. Furthermore, the Church enjoys the tranquil possession of the feast of the Assumption as something good, holy, and sacred. However, it is only the Church that can solemnly define that the Assumption of Mary is contained in, and flows from, her God-given privileges in the sense that God revealed this in them. Meanwhile, all can do their part by work and prayer, and hope that the Holy Ghost, the Spirit of Truth, will hasten the day, if it is God's will, when the Church can solemnly proclaim that Mary's Assumption into heaven is part of the revelation given to man by God.

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[66] E. Renan, *Histoire des origines du christianisme,* VI (Paris, 1879), 513.

[67] This remark was made by Dr. Ewald. Cf. A. Lewis, *Studia sinaitica,* XI (London, 1902), xvi.

WHAT DOCTORS THINK OF THE RHYTHM METHOD

It is important that information about the extent of practice of the rhythm method be made available to priests, sociologists, doctors, and directors of medical schools and these same leaders should also know the trend—whether the practice is increasing, decreasing, or remaining about the same.

Such studies are few, however, and the reasons are not far to seek. First, it is understandable that Catholics in these professions would be the ones most interested in the subject; but the research foundations which furnish the wherewithal to make studies are not Catholic-inclined and may not be particularly interested. Then, even though Catholics are interested, a certain reticence about making such studies and more, of publishing the results, is also understandable since the ethics of the question is rather complicated and any impression that the use of the rhythm method is permitted in all circumstances is, of course, to be avoided. Third there is the technical difficulty of securing reliable information on this rather delicate subject.

Despite these possible objections, it seems desirable that the facts on the subject should be publicized for those who have a right to know and for the following reasons. (1) There is a campaign, more or less subtle, which apparently has as its object the presentation of a series of statements to show, allegedly, that the method is not very effective, not very widespread, and not very well adapted to most women. (2) The greater the success of this campaign, the more it will deprive Catholic married couples of a method of conception control which may be used when there are adequate reasons for employing it and the more it will place them in proximate danger of sin through temptation to use contraceptive devices. (3) For those who have the obligation of advising married or about-to-be-married couples, the information will be useful when the inevitable questions arise. Few Catholic couples, apparently, are unaware of the existence of the method. While it is not the proper function of the priest to explain the details of the method, some assurance as to its feasibility and ethical

justification under certain circumstances could well be given by the counselor.

In order to supply some of this information, a study was conducted by the Department of Sociology of St. Louis University by contacting all the gynecologist-obstetricians, internists (specialists in internal medicine), and general practitioners in the city via a questionnaire.[1] Of 523 physicians, 273 or 52.2 per cent returned replies of which 192 or 36.8 per cent contained sufficient information for inclusion in the study. The doctors represented a cross-section of religious denominations, as follows: Protestant, 43 per cent; Catholic, 39 per cent; Jewish, 11 per cent; and "unaffiliated," 7 per cent. The main results of the study are as follows.

(1) *Extent of practice.* Of almost 10,000 patients of the doctors who gave information on the question, about 24 per cent were said to be using the rhythm method exclusively, and another 7 per cent were reported to be employing both the rhythm method and artificial contraceptives. This would seem to show that about 30 per cent of the women of child-bearing age under a doctor's care in St. Louis use the rhythm method, most of them exclusively. About half of these patients are under a Catholic doctor's care and the other half under that of a non-Catholic doctor; most of the latter are Protestant (i.e., not Jewish or unaffiliated) doctors. Perhaps it should be noted that this does not mean that half the women are non-Catholics; evidently, some Catholic women are attended by non-Catholic physicians, and some Catholic physicians have non-Catholic patients. In brief, then, this question tells nothing of the religion of the patients; a later question tried to secure information on this matter.

We might add parenthetically here that some notion of the nation-wide practice of the rhythm method is provided by the fact that, on the jacket of the latest printing of Dr. Leo J. Latz's *The Rhythm of Sterility and Fertility in Women* the information is given that some four hundred thousand copies of this manual have been printed.

[1] Cf. Joseph P. Mundi, *The Opinions of a Select Group of St. Louis Doctors on the Effectiveness of the Rhythm Method and the Extent of its Practice* (St. Louis, Missouri: St. Louis University, 1949). Unpublished M.A. dissertation.

(2) *Is the practice increasing?* Slightly over two-thirds of the doctors who gave an opinion on this question said that it is increasing among Catholic patients. As might be expected, about 85 per cent of the Catholic doctors noted an increase; but of some significance is that fact that majorities of doctors in each religious classification noted an increase among Catholics: 62 per cent of the unaffiliated, 57 per cent of the Protestant, and 53 per cent of the Jewish doctors said there was an increase among Catholics.

There was also an increase noted among patients other than Catholic: about 30 per cent said there was an increase among Protestant patients, 22 per cent among unaffiliates, and 12 per cent among Jews.

(3) *Is it too complicated for effective use by most women?* Two-thirds of the doctors said that it was not too complicated. About 83 per cent of the gynecologist-obstetricians, who may be said to be best qualified to answer this question, declared that it was not too complicated, as compared with 63 per cent of the internists and 54 per cent of the general practitioners. By religion, 76 per cent of the Catholic doctors and 57 per cent of the non-Catholic doctors answered in the negative.

(4) *How effective is the rhythm method?* Various clinical studies as well as studies based on information supplied from patients show that, if the method is properly applied, the rhythm system gives practically 100 per cent effectiveness. Thus, Fleck, Snedeker, and Rock, reporting in the *New England Journal of Medicine* in 1940 said: "When the method is strictly observed, the corrected percentage of failures is 3 per cent. Only 6 pregnancies are considered true failures, for only they cannot be explained in accordance with the theory. . . . The corrected rate for the true failures was only 4 pregnancies per 100 person-exposure years. These rates compare favorably with those compiled for other contraceptive methods."[2] Dr. Leo J. Latz's studies are well known. For example, in the third of a series of articles on the subject, he and Dr. Reiner reported on 49,356 acts of intercourse of

[2] Stephen Fleck, Elizabeth F. Snedeker, and John Rock, "The Contraceptive Safe Period," *New England Journal of Medicine*, CCXXIII (1940), 1009.

couples using the rhythm method and stated that effectiveness was 100 per cent when the rules were observed.[3]

In the light of these published studies, it is interesting to see what the St. Louis doctors thought. Of the 192 doctors, 171 or about 89 per cent checked this question, and their opinions ranged from five per cent to 100 per cent effectiveness. Taking the average of all estimates, or the mean, we found it to be 65.1 per cent with a standard deviation of 25 per cent; the latter indicates a considerable spread of opinions. The median, or midpoint in the distribution of estimates was 71 per cent effectiveness.

When the doctors were separated by type of practice, it was found that the gynecologist-obstetricians averaged somewhat higher: they said the rhythm system was about 69 per cent effective, whereas general practitioners said 64 per cent and internists 63 per cent. By religion, Catholic doctors were most favorable with a mean of 76 percent and a median of 84 per cent effectiveness. Ranking the rest of the doctors according to their estimates gave this order: Protestant doctors, 61 per cent; unaffiliated, 54 per cent; and Jewish 51 per cent.[4]

(5) *Does the age of the doctors affect their estimate?* While the study was in progress, it was suggested that perhaps the older doctors would be less favorable to the rhythm method because little scientific information was available about it when they were attending medical school. Conversely, the younger doctors might be more favorably inclined because they would have heard discussed or have been referred to literature on the subject publishd prior to or during their training period. To test this hypothesis, the doctors were divided into two groups: those whose estimate was 70 per cent or higher, and those whose estimate was 69 per cent or below. Seventy per cent was selected because this was the "round number" closest to the median estimate of all the doctors—71 per cent. Calculations based on this division showed that the group most favorable to the rhythm had a mean, or average age, of 43.9 years

[3] Cf. Leo J. Latz and E. Reiner, "Further Studies on the Sterile and Fertile Periods in Women," *American Journal of Obstetrics and Gynecology*, XLIII (1942), 79.

[4] When he related contraceptive practice with religion, it was found by Raymond Pearl that Jews ranked first, Catholics last, and that the Protestant and "no religion" groups were in between. Cf. his *The Natural History of Population* (New York: Oxford University Press, 1939), p. 242.

and those who rated the method 69 per cent or lower averaged 48.1 years of age. This difference of 4.2 years in the average ages supports to some extent the hypothesis that younger doctors were inclined to give higher estimates of the percentage effectiveness of the rhythm method.

(6) *Does the medical education of the doctor make a difference in his estimate?* This question arose when it was suggested that perhaps Catholic medical schools were giving more attention to the rhythm method than schools not under Catholic auspices. Of the 84 doctors who estimated the effectiveness of the method as 70 per cent or over, 57 or 67.8 per cent were graduates of Catholic medical schools and only 27 or 32.2 per cent were graduates of non-Catholic schools. Apparently supporting these findings was the fact that graduates of Catholic medical schools gave the rhythm method a mean percentage effectiveness of 73.5 per cent; the median was 81.6 per cent. On the other hand, graduates of schools not under Catholic auspices gave it a 56 per cent mean and a 53 per cent median effectiveness. It must be observed, however, that the large majority of the graduates of Catholic medical schools—61 of 87—were Catholics whereas only four of the 79 graduates of the other schools listed themselves as Catholics. What seems to be explainable in terms of different medical education may in reality be due merely to a difference of religion. Therefore, this conclusion is tentative; a direct survey of the teachings of the medical schools may be necessary to answer the question.

(7) *Which is more effective, the rhythm method or artificial contraception?* As one would expect, the majority of the doctors—about two thirds, in fact—thought that artificial contraceptives were more effective, but the surprising finding was the proportion who thought otherwise. Of the one-third in this latter category, about 5 per cent said the rhythm method was significantly more effective than contraceptives, about 16 per cent said both were equal, and the remaining 12 per cent had no opinion. By type of practice, the gynecologist-obstetricians gave the most favorable opinion, almost 30 per cent of them saying that rhythm is more effective or equally effective. The Catholic doctors were divided on the question: 47 per cent said contraceptives were more effective, 30 per cent said rhythm was more or at least equally effective, and 23 per cent gave no opinion.

Summing up the findings, our study showed that, according to the opinions of the doctors questioned: about one-fourth of the women of child-bearing age, not known to be sterile, and under the care of a doctor, were using the rhythm method, and almost one-third of those who combined it with artificial contraception are included; the practice of the method is increasing, particularly among Catholics; it is not too complicated for use by most women in the opinion of two-thirds of the doctors and 83 per cent of the gynecologist-obstetricians; the median effectiveness is 71 per cent in the opinion of all the doctors and 84 per cent in the opinion of Catholic doctors; younger doctors seem to have more confidence in the method; graduates of Catholic medical schools are more favorably inclined, although this finding is tempered by the fact that most of these graduates are Catholics; and 21 per cent of the doctors thought that the rhythm method was more effective or at least equally as effective as artificial contraceptives.

These findings are directly counter to the objectives of the campaign previously referred to because they indicate that the rhythm method is rather effective, is quite widespread and apparently increasing in use, and seems to be adapted to effective use by most women. It is important that Catholic priests and other counselors know these facts. Evidently we cannot be partners in a campaign which advocates childlessness or family limitation for insufficient reasons, but it does not seem wise to ignore the facts, either to minimize the extent of its practice or to discourage its use simply by minimizing its effectiveness or practicality. It may be that contraceptives are being abandoned as more and more couples are adopting the rhythm method which, though condemned for general and unrestricted use, is nevertheless ethically justifiable under certain conditions.

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THEODOSIUS' LAWS ON HERETICS

Occasionally it is suggested that St. Augustine (354-430) was a Catholic because that was the only Christian group available at the time. The Emperors Theodosius and Valentinian, however, apparently felt differently about the matter when they gave their decree of May 30, 428. In that decree they indicated to Florentius, the Pretorian Prefect, that he was to make a distinction in his treatment of various groups which call themselves Christians. They were not all to be treated with the same austerity.[1]

The Arians, the Macedonians, and the Apollinarians, whose crime is, the Emperors said, that deceived by a damaging meditation they believe falsehoods about the source of truth, are not permitted to have a church in any city. The Novatians and Sabbatians, on the other hand are not to have permission to make any renovations, in case they should attempt any.

The Eunomians, the Valentinians, the Montanists or Priscillians, the Phrygians, the Marcianists, the Borborians, the Messalians, the Euchites or Enthusiasts, the Donatists, the Audians, the Hydroparastates, the Tascodrogites, the Photinians, the Paulians, the Marcellians, and those who have descended to the very depths of iniquity, the Manicheans (to whom St. Augustine once belonged), are never to be permitted to gather or pray on Roman soil. The Manicheans are even to be expelled from the cities, for no place is to be left to all these people in which they may do harm to the very elements.

All in all, St. Augustine had a wide choice of groups calling themselves Christians to which he could have attached himself, had he not been convinced of the truth of Catohlic dogmas.

When the Emperors transferred their favor from the ancient pagan religion to the newer Christian Church they were soon confronted with the divisions which had been foretold by St. Paul.[2] By the year 386 Valentinian, Theodosius, and Arcadius decreed that if those who thought they alone had a right of assembly created any disturbance of the public peace they were to be treated as guilty of sedition and of disturbance of the peace of

[1] Cf. C. Th. 16.5.65.2; C. Th. 16.5.65.3.

[2] Cf. *I Cor.* 11:19.

the Church, and were to be punished by death for *lèse majesté*.[3]

Two years later they ordered that no one be permitted to make a public appearance either to dispute about religion or to discuss it or give advice about it. Anyone who violated this law was to be punished with proper penalties.[4] Anyone who did not observe the general law against religious disturbances and who did not show improvement in his conduct after being punished but continued to disturb the Catholic faith and people was to be deported.[5] All officials were warned to keep away from tumultuous gatherings on penalty of being deprived of office and of having their property confiscated.[6]

Slave-holders at Rome were warned to keep their slaves away from such tumultuous gatherings on penalty of a fine of three pounds gold for each slave who was present at the forbidden assemblies. Corporations were also liable to a fine of fifty pounds gold if one of their membership held a forbidden assembly.[7]

Provincial officials were warned to prevent the forbidden gatherings of those who left the orthodox religion and tried to hold meetings elsewhere than in the churches, i.e. those who were not in communion with Bishops Arsacius, Theophilus, and Porphyrius.[8]

Accustomed to the unified control which they were able to exercise over the pagan religion when Syncretism had brought

[3] Cf. C. Th. 16.4.1 (Jan. 23, 386). Title IV is: *De his, qui super religione contendunt.*

[4] Cf. C. Th. 16.4.2 (June 16, 388).

[5] Cf. C. Th. 16.4.3 (July 18, 392).

[6] Cf. C. Th. 16.4.4 (Jan. 29, 404). Whether or not this is a case of "guilt by association," the Emperors evidently did not want their public officials to have anything to do with groups which they considered a menace to public peace. Cf. U. S. Loyalty Program, 3 Code Fed. Regs. 129 (Supp. 1947).

[7] Cf. C. Th. 16.4.5 (Sept. 11, 404). This law, indirectly, increased the police forces of the State without increasing costs of policing for it enlisted all slave-holders and all organizations on the side of the law for fear of being fined should any slave or member take part in the gatherings the Emperors were trying to prevent. If they were successful in watching over those under their control the Emperors achieved their purpose of stopping the meetings, if they were not the imperial coffers were enriched so that more police could be hired to stop the meetings.

[8] Cf. C. Th. 16.4.6 (Nov. 18, 404). This introduces the reverse of the "guilt by association" test. If a person is associated with those approved by the Emperors, he is also approved.

all the pagan deities into a hierarchy with the Sun-god at its head, the Emperors were not loath to accept the idea that those who did not accede to the decisions of the majority of the Catholic Bishops gathered in Council were not really Christians, no matter how much they might claim that their doctrine was the true teaching of Christ. Desirous of having uniformity in this new religion which they had espoused, the Emperors undertook to legislate against those whom the majority of the Church had condemned as "heretics."[9]

Constantine had from the very beginning decreed that the privileges which had been accorded in favor of religion were to be restricted to the observers of the Catholic law alone. Heretics and schismatics were not only deprived of such privileges but were also subjected to various imposts.[10]

He did, however, permit the Novatians to keep their churches and cemeteries which they had had for a long time. They were not, however, permitted to seize property which had always belonged to the churches before they decided to leave.[11]

After the severe struggles, when it seemed for a time that the Arian party might succeed in taking over the Church with the assistance of the Emperors,[12] the imperial power swung once again to the side of the Catholic Church against those whom it considered as heretics. Thus, in 372, Valentinian and Valens condemned the Manicheans. If they held any meetings, the leaders were to be heavily fined, while the people who attended the meetings were to be banished as *infames*[13] and disreputable. The houses in which the meetings were held were to be confiscated.[14]

Valens, Gratian, and Valentinian decreed confiscation of any place in which altars were set up in furtherance of a false religion,

[9] Title V of the Theodosian Code is entitled: *De Haereticis.* The Catholic Church had long been excluding from its membership those who wanted to pick and choose their beliefs instead of accepting the whole Christian teaching.

[10] Cf. C. Th. 16.5.1 (Sept. 1, 326).

[11] Cf. C. Th. 16.5.2 (Sept. 25, 326). Cf. Zellmann, *American Church Law*, pp. 250-80.

[12] Cf. Martin, *Caesaropapism in Action*, *AER*, CXXII, 2 (Feb. 1950), 121 ff.

[13] *Infamia* was an institute of Roman Law whereby certain actions or professions or condemnations brought with them a diminution of legal capacity, e.g. to make a will. Cf. *infra*, note 19.

[14] Cf. C. Th. 16.5.3 (March 2, 372).

as a means of stopping usurpation by a heretical group of the position of the Catholic Church. Confiscation was to take place whether the meeting was held in a city or in the country. If the meeting was aided by failure of the judges to act against it or by the wickedness of others, they were both to be punished.[15]

Gratian, Valentinian and Theodosius also attempted to put an end to heretical groups. They forbade such groups to preach or baptize. They forbade the teachers and ministers of "this perverse superstition," whether they called themselves "bishops" or "priests" or "deacons," though they were not even to be considered "Christians," to have any part in the gatherings of this "condemned opinion."[16]

The same Emperors, two years later, decreed that the heretics must have no place for the celebration of religious worship and no opportunity for exercise of the "insanity of an obstinate mind." Whatever grants of privilege they might have obtained were declared void. They were not permitted to hold meetings. The name of one supreme God was to be honored everywhere. The Nicene faith was to be observed. The contamination of the Photinian stain, the poison of the Arian sacrilege, the crime of the Eunomian perfidy and the unspeakable manifestations of sects indicated by the outlandish names of their authors were not even to be heard of again.[17]

The profession of the Nicene faith was made the test. Those who did not accept it were to cease to take unto themselves the name of the true religion which did not belong to them and were to be known by their open crimes. They were to be removed from the churches and were to be kept away from them. They were forbidden to hold meetings within the towns, and if they tried to create a factious disturbance they were to be banished. The Catholic churches were to be restored to the orthodox bishops who held fast to the Nicene faith.[18]

Later that same year the Emperors decreed that since Manicheans were *infames* they had no right, under Roman Law, either to make a will or to take by succession. The property was con-

[15] Cf. C. Th. 16.5.4 (Apr. 22, 376 [378?]).

[16] Cf. C. Th. 16.5.5 (Aug. 3, 379).

[17] Cf. C. Th. 16.5.6 (Jan. 10, 381); C. Th. 16.5.6.1.

[18] Cf. C. Th. 16.5.6.2.

fiscated by the State. This was so, whether the property was left to a husband or a relative or any deserving person or even to the children, if they were guilty of the same kind of life and crimes.[19]

This law was, furthermore, made retroactive, so that confiscation would apply to past transactions. Conscious of the difficulty raised by such retroactivity, since ordinarily their "heavenly statutes"[20] had prospective rather than retrospective force, the Emperors excused themselves on the ground that the habit of obstinacy and the pertinacious nature of these people required such special legislation as a sanction for their "sense of just indignation" against such as continued to hold unlawful meetings despite the previous ban. The Emperors considered them guilty of insult to the previous law and of sacrilege. The severity of the present law was, therefore, to be considered not so much an example of a law enacted but of a law vindicated, so that a defense on the basis of the time at which the offense occurred should not be allowed.[21]

The Emperors enlisted the children on their side by decreeing that only those should be entitled to take by succession from their father or mother who, although they were born of Manichean parents, had turned to the true religion and were thus freed from any guilt.[22]

The Manicheans were also forbidden to have places for their services. They were banished from the cities. If they tried to disguise themselves under such names as Encratites, Apotactites, Hydroparastates or Saccophori they were still to be outlawed. They were not to be protected by profession of a name, but were to be known and execrated by reason of the crime of their sects.[23]

In the same year the same Emperors forbade the Eunomians, the Arians, and the followers of Aetius to build churches whether in town or in the country. If such buildings were erected contrary to law, both they and the land on which they were built were to be confiscated.[24]

[19] Cf. C. Th. 16.5.7 (May 8, 381).

[20] The Emperors might be Christian, but they still retained the phraseology of the times when they were revered as gods.

[21] Cf. C. Th. 16.5.7.1.

[22] Cf. C. Th. 16.5.7.2.

[23] Cf. C. Th. 16.5.7.3.

[24] Cf. C. Th. 16.5.8 (July 19, 381).

The very next year the Emperors repeated the law of confiscation of property which the Manicheans attempted to leave by will or to give *inter vivos,* though they did allow the property to pass by intestate succession provided there were heirs. If there were no heirs the property went to the State.[25] As for the Encratites, Saccophori, or Hydroparastates, they were to suffer the extreme punishment if they were found guilty of some trace of such crime.[26] The Pretorian Prefect was instructed to appoint inquisitors,[27] to open a court, to get information and hear denunciations without prejudice to the informers. No one was to prevent the starting of this accusation by reason of ordinary lapse of time. No one was to summon such secret gatherings of the heretics, whether in the rural or in the urban areas.[28] A further indication of guilt of heresy was that one had not attended church on Easter.[29]

The year after this the Emperors decreed that the Tascodrogites were not to be expelled from the places they owned. No crowds, however, were to gather at a heretical church, or, if they gathered, they were to be broken up without delay.[30]

A month later they decreed that Eunomians, Arians, Macedonians, Pneumatomachi, Manicheans, Encratites, Apotactites, Saccophori, Hydroparastates were forbidden to hold meetings, to gather a crowd together, to invite people to come to them, to indicate a private building as a church, or to do anything either publicly or privately which might offend Catholic sanctity. If anyone disobeyed the law permission was given to all who esteemed the beauty of the true observance to expel him by the common consent of all.[31]

[25] Cf. C. Th. 16.5.9 (March 31, 382).

[26] Cf. C. Th. 16.5.9.1.

[27] Cf. C. Th. 16.5.9.1. These are, therefore, police officers of the State, though "inquisition" is usually considered as a function of ecclesiastical authority. An analogue of this is, to some extent, the Gestapo, the Cheka (MVD), or the OVRA. It does not appear, however, that the *"inquisitores"* mentioned in this law were to be more than a fact-finding group. Mention is made of the opening of a court, so it would appear that the secret police here had none of the judicial functions assumed by the secret police in the modern "police-state."

[28] Cf. *ibid.*

[29] Cf. C. Th. 16.5.9.2.

[30] Cf. C. Th. 16.5.10 (June 20, 383).

[31] Cf. C. Th. 16.5.11 (July 25, 383).

In December they added to the previous provisions that the heretics could not ordain any priests of their sect. Their buildings were confiscated. Followers of the sects were to be driven out of cities and any other places where they might be and forced to return to the localities whence they had come. Provincial judges and the chief officers of cities who were negligent in permitting gatherings of prohibited congregations were subject to condemnation.[32]

A month later the Emperors decreed that "bishops" or "ministers" or "priests," as they called themselves, of the Eunomian, Macedonian, Arian and Apollinarian sects were to be hunted down by a very careful investigation and were to be expelled from the city. They were to be exiled far from the assembly "of the good people."[33]

Four years elapsed before the same Emperors again issued a decree concerning heretics. This time it was the Apollinarians who were named principally, though the other sects are also referred to in a general way. They were forbidden to gather and to ordain a clergy. They were not to hold meetings, whether in public or in private churches. They were not to ordain "bishops," and those who had been ordained "bishops" were by this law deprived of that title. They were to withdraw to a place which would wall them off from the rest of mankind. Furthermore, they were deprived of the right to present any petition to the Emperors for favors or for vindication of rights.[34]

Three months later they repeated the prohibition whereby heretics were not permitted to hold meetings, to hold discussions, or even to hold secret meetings. They were forbidden to erect altars and hold services. The Pretorian Prefect was to choose trusted men who would be able to prevent them from violating the law and to bring them to trial when they were caught so that they could be punished most severely.[35]

Apparently, the heretics were not above fraudulent use of rescripts purporting to emanate from the imperial chancery to further

[32] Cf. C. Th. 16.5.12 (Dec. 3, 383).

[33] Cf. C. Th. 16.5.13 (Jan. 21, 384).

[34] Cf. C. Th. 16.5.14 (March 10, 388). This is a further restriction on legal capacity, cf. Bonfante, *Istituzioni di diritto Romano,* pp. 59 f.

[35] Cf. C. Th. 16.5.15 (June 14, 388).

their own purposes. The Emperors, therefore, instructed the Pretorian Prefect that the Arians had never been given such rescripts and that they were to be punished as counterfeiters.[36]

The Eunomians, the Emperors repeated, were not permitted to make wills or to take under them. They were not permitted to hold property, to seek to obtain property, or to designate an heir, whether as principal, or as *fideicommissarius,* or as legatee, or by a tacit trust or any other legal designation. All the property was to be confiscated.[37]

A month later the Emperors gave a similar decree regarding the Manicheans. Not only were they to be expelled from Rome, but they were also to have their property confiscated and they were forbidden to make wills.[38]

Toward the end of that year Valentinian, Theodosius, and Arcadius struck at the leaders of the various heresies, even as Decius had struck at the leaders of the Christian Religion. They ordered the expulsion of all "bishops," "priests," "deacons," "readers," or "clerics."[39]

Again striking at the leaders of the heretical groups, they decreed that such as were found to have ordained clerics or to have undertaken the office of cleric were to be fined ten pounds gold. The place in which the forbidden action had taken place was to be confiscated, if it had been opened to these people by the connivance of the owner. If, however, it appeared that the owner had been kept in ignorance of what was being done, the lessee, if a freeman, was fined ten pounds; if a slave, he was whipped and deported. If the action had taken place on imperial or public property and the lessee and the procurator had permitted the assembly, they were fined ten pounds gold. Those who aided such services and claimed to be clergymen and were found out were fined ten pounds gold, each one.[40]

[36] Cf. C. Th. 16.5.16 (Aug. 9, 388?).

[37] Cf. C. Th. 16.5.17 (May 4, 389). The Emperors at this time were Valentinian, Theodosius, and Arcadius.

[38] Cf. C. Th. 16.5.18 (June 17, 389).

[39] Cf. C. Th. 16.5.19 (Nov. 26, 389); C. Th. 16.5.20 (May 19, 391) forbade all heretical meetings.

[40] Cf. C. Th. 16.5.21 (June 15, 392).

Theodosius, Arcadius, and Honorius decreed that the heretics were not permitted to create "bishops" and that the approval of those bishops was illicit.[41]

The attitude of the Emperors toward the Eunomians changed in 394 and they allowed them to make wills as well as to take by will.[42] The permission, however, was short-lived, for the following year they again forbade them to make wills and take under testamentary dispositions.[43] Changing their minds again, some three months later they allowed the Eunomians to make wills.[44] The permission was revoked again in 410.[45]

Heretics were still forbidden to have meetings, to teach their doctrines or to be taught them. Their "bishops" were not to preach, nor were they to ordain ministers. Furthermore, judges and other officials were not, by connivance, to allow them to multiply.[46]

Arcadius and Honorius repeated that all the penalties previously established against the heretics were in force in their reign, and that any favors which had been conceded to them in the hope of their correction were revoked, including those to the Eunomians in regard to wills.[47] Heretics were not to hold meetings or have services, whether in public or in private, whether secretly or openly. They were not allowed to use the title of "bishop" or those of the ecclesiastical orders.[48]

They instructed Aurelian, the Proconsul for Asia, that slight evidence *(vel levi argumento)* was sufficient for one to be considered a heretic and to be punished as such. On that basis he was to consider one Heuresius a heretic and strike him from the number of bishops who were approved.[49]

They ordered Marcellus, Master of the Offices, to conduct an investigation of those who worked in the Chancery and in other government positions to see whether any were heretics. If any

[41] Cf. C. Th. 16.5.22 (Apr. 15, 394).
[42] Cf. C. Th. 16.5.23 (June 20, 394).
[43] Cf. C. Th. 16.5.25 (March 13, 395).
[44] Cf. C. Th. 16.5.27 (June? 24, 395).
[45] Cf. C. Th. 16.5.49 (March 1, 410).
[46] Cf. C. Th. 16.5.24 (July 9, 394).
[47] Cf. C. Th. 16.5.25 (March 13, 395).
[48] Cf. C. Th. 16.5.26 (March 30, 395).
[49] Cf. C. Th. 16.5.28 (Sept. 3, 395).

were discovered they were not only deprived of their positions but were banished from the city.[50]

They also ordered Clearchus, the Prefect of Rome, to expel all heretical clergy from that city and to take from the heretics any buildings they might possess there, whether they called them churches or deaconries, and any private homes in which they were allowed to meet. All were to be confiscated. All their clergy were to be expelled from the city. They were not to be permitted to hold a meeting within the city whether by day or by night. If they did, he, the Prefect, was fined one hundred pounds gold, whether the meeting was held in a public place or in a private home.[51]

The leaders, teachers, and clergy of the Eunomians who were turned up by the inquisition were to be expelled from the cities.[52] The Pretorian Prefect was to use every care to hunt them out and expel them.[53] The teachers of the Apollinarians, too, were to be banished from the city. Furthermore, any place or house which was used for their meetings was to be confiscated.[54]

The clergy of the Eunomians and of the Montanists were to be banished from the cities. If they lived in the country and held meetings there they were to be deported. The procurator of the place was to be severely punished and the owner was to lose the land, if they knew of the meetings and did not report them. If, after the solemn publication of the decree, they were caught in the city they were to be severely punished, after confiscation of their property, and the house where they met and were not at once expelled and reported by the owner was confiscated.[55]

In this decree the Emperors used once more the tactic of burning the books, as Diocletian had done to the Christian books in his persecution. The books were to be burned in the presence of the judges. If any one was convicted of having, by fraud, hidden them or of not having given them up on any occasion, he

[50] Cf. C. Th. 16.5.29 (Nov. 24, 395). "Loyalty check!"

[51] Cf. C. Th. 16.5.30 (March 3, 396 [402]). This was certainly an inducement to the official to carry out the law. It would take a good-sized bribe to get him to overlook violations.

[52] Cf. C. Th. 16.5.31 (Apr. 21 or 22, 396).

[53] Cf. C. Th. 16.5.32 (Apr. 21 or 22, 395).

[54] Cf. C. Th. 16.5.33 (Apr.? 1, 397).

[55] Cf. C. Th. 16.5.34 (March 4, 398).

was to be put to death as guilty of keeping harmful books and of the crime of doing harm.[56]

The Vicar for Africa, Dominator, was ordered to undertake an inquisition against the Manicheans, to bring them out in the open and punish them most severely. Furthermore, those who protected such persons in their homes were also to feel the weight of authority.[57]

While the Eunomians were permitted, in 399, to make wills, they were forbidden to hold meetings and gatherings. The procurator of a farm or the steward of a town-house who allowed them to hold services there was to be put to death, and the property was to be confiscated, if the owner knew what was being done on his property and did not forbid it. The ministers of the sect were to be deported, if they were caught holding a meeting, and all their property was to be confiscated.[58]

The Donatists were making trouble, it seems, in 400 or 405 A.D. Arcadius and Honorius, therefore, instructed their Pretorian Prefect, Hadrian, that the rescript which the Donatists claimed to have received from Julian was not to be considered good.[59]

Noting that the Manicheans and Donatists were still strong, the Emperors decreed that there should be one, Catholic, religion. If anyone should dare to attend prohibited meetings he was to be punished according to the innumerable past constitutions. If the

[56] Cf. C. Th. 16.5.34.1. This and other provisions of the laws against heretics in Title V of this sixteenth book of the Theodosian Code give rise at least to the suspicion that here one can find some of the provisions used to outlaw the Christians during the period when they were persecuted. These laws were, of course, abrogated when Christianity was made the official religion of the Empire. They were not inserted in the collections which have come down to us, for they had no application at the time the collections were made. It is not unlikely, however, that in searching for methods of outlawing heresies the Emperors turned to previous experience gained from attempts to outlaw Christianity. While the methods had not been completely successful, for Christianity did triumph in the end, nevertheless they had had a certain success, as is apparent from the discussions of the Fathers concerning the method of treating the *lapsi* who had yielded under torture and had given up their faith (cf. Cyprian, *De lapsis*, c. 7-9, *CSEL* III, 241 ff.; *MPL* IV, 471 ff.

[57] Cf. C. Th. 16.5.35 (May 17, 399).

[58] Cf. C. Th. 16.5.36 (July 6, 399).

[59] Cf. C. Th. 16.5.37 (Feb. 26 [2], 400 [405]).

meeting turned into sedition, the penalty would be more severe.[60]

The Donatists, indeed, were to be punished,[61] but punishment was also to be meted out to the Manicheans or Phrygians or Priscillians. They were not to have anything in common with other men.[62] First of all, they were to be considered guilty of a public crime, for, said the Emperors, what was done contrary to the divine religion was an injury to all.[63]

Just as in the Christian persecutions brother was sometimes turned against brother in the hope of obtaining the property of the one condemned as a Christian, so now the Emperors decreed that when confiscation of a heretic's property was called for under the law, that property should go to his relatives, ascending or descending, or collateral, up to the second degree, provided they were not themselves heretics.[64]

The heretics were not to take by will or by gift, nor were they, after conviction, to make gifts, buy, or sell, or make contracts.[65] The inquisition was to extend even to those who were dead. As in crimes of *lèse majesté* it was permissible to accuse even the memory of the deceased, so here they declared the same thing held good. In consequence, even a last will was void, whether by will or codicil or letter or any other means a person proved to be a Manichean or a Phrygian or a Priscillian had tried to leave property. The children could not take as heirs unless they had given up the sect. Pardon, said the Emperors, they granted to those who were contrite, even as the Christians had not been punished for having been Christians, if they consented to sacrifice to the image of the Emperor.[66]

Slaves were not to be punished if they left an heretical master to return to the Catholic church.[67] Land where meetings of the heretics had been held with the knowledge, though without the participation, of the owner who had not forbidden such meetings, was to be confiscated even though the owner did not himself be-

[60] Cf. C. Th. 16.5.38 (Feb. 12, 405).
[61] Cf. C. Th. 16.5.39 (Dec. 8, 405).
[62] Cf. C. Th. 16.5.40 (Feb. 22, 407).
[63] Cf. C. Th. 16.5.40.1.
[64] Cf. C. Th. 16.5.40.2.
[65] Cf. C. Th. 16.5.40.3; C. Th. 16.5.40.4.
[66] Cf. C. Th. 16.5.40.5.
[67] Cf C. Th. 16.5.40.6.

long to the sect. If the owner was unaware of the use to which his land was being put, the procurator was to be scourged and condemned to the mines. The lessee was to be deported.[68]

The provincial governor who favored such heretics or tried not to see that they were operating in his district or failed to punish them after conviction was fined twenty pounds gold. Heads of cities and provincial officers were fined ten pounds gold if they failed to use the wisest and most careful methods in executing the judgments rendered in these matters.[69]

As if to explain more fully the pardon granted to those who renounced heresy, Arcadius, Honorius, and Theodosius wrote to Porphyrius, Proconsul for Africa in 407. In that decree they said that although punishment usually purges out crimes, they preferred the correction of men's evil wills through the admonitions of penance. Consequently, if any heretics, whether Donatists or Manicheans, or those following any other false opinion and belonging to a sect which observed profane rites, should embrace with simple confession the Catholic faith and rites which they desired to be observed by all men, though they had followed the old wrongful doctrine for so long that they might be thought liable to punishment even under previous laws, still, they were to be considered free from all taint as soon as they confessed God in simple faith. As to every guilt, whether contracted previously or subsequent to this law, even though penalties seemed especially to be due to the guilty it would suffice for their removal that the person had by his own decision condemned the error and embraced the name of the omnipotent God, even in the midst of his danger. Never should the aid of religion be wanting when called upon in the midst of misery. As, therefore, they commanded that their previous laws for the destruction of sacrilegious minds be put into execution, so they ordered that those who had chosen the faith of simple religion, even though by a tardy confession, should not be considered bound to punishment under those laws. This they ordered that all might know that vengeance would not be wanting as to the illicit desires of men and that the aid of the laws was offered to the true worship.[70]

[68] Cf. C. Th. 16.5.40.7.

[69] Cf. C. Th. 16.5.40.8.

[70] Cf. C. Th. 16.5.41 (Nov. 15, 407).

Honorius and Theodosius refused to have those hostile to the Catholic religion in service in their palace.[71]

The same Emperors repeated the provisions against the Donatists, also called *Montenses,* the Manicheans, or Priscillians, and the pagans. They ordered that all those laws be enforced, and that their buildings as well as those of the *Caelicolae,* who had "some new kind of dogma," be turned over to the churches. The penalties were to be inflicted both upon confessed Donatists and upon those who claimed to be Christians but avoided the communion of the Catholics in view of their evil religion.[72]

Finding that the Donatists and some Jews were disturbing the sacraments of the Catholic faith and religious services, the Emperors ordered them to be punished who attempted such things.[73] Officials were also ordered to see to it that no one, whether in the city or in some secret portion of their territory, held forbidden meetings, abandoning the Catholic bishop of the church. The places themselves, where they met, were to be confiscated without any excuses.[74]

Any judge guilty of failing to enforce the laws against Donatists and other heretics, Jews, and pagans was to lose his position and was to be fined twenty pounds gold. Men of lower rank who knew of violations of the laws in their cities or territories and kept silent about them were liable to deportation and confiscation of their property.[75] The right to present petitions to the Emperors was still denied to those who violated the laws on heretics.[76]

Montanists, Priscillians, and other heretics were excluded from government service. If they were of social classes which were obliged to render the service at their own expense they had to to perform such services. Since that was a form of taxation they were not to be freed from it.[77]

If the officials in charge of handling property which was supposed to be confiscated by the State ever permitted any such

[71] Cf. C. Th. 16.5.42 (Nov. 14, 408).
[72] Cf. C. Th. 16.5.43 (Nov. 15, 408 [407]).
[73] Cf. C. Th. 16.5.44 (Nov. 24, 408).
[74] Cf. C. Th. 16.5.45 (Nov. 27, 408).
[75] Cf. C. Th. 16.5.46 (Jan. 15, 409).
[76] Cf. C. Th. 16.5.47 (June 26, 409).
[77] Cf. C. Th. 16.5.48 (Feb. 21, 410).

property to be kept or turned over to persons not entitled to hold it, they themselves were liable for it.[78]

The Donatists apparently claimed to have obtained a rescript in their favor, for Honorius and Theodosius, in 410, outlawed it and decreed that they should suffer the penalty of confiscation and death if they ever again attempted to meet in public.[79] Those of "illustrious" rank were fined fifty pounds gold. Those of the rank of *"spectabiles"* were fined forty pounds gold. The fine for those of senatorial rank was thirty pounds gold, for *"clarissimi"* it was twenty pounds gold, for priests thirty pounds, for *"principales"* twenty, for city officials five, and for businessmen and ordinary citizens five. If these people were not handed over by those under whose care they were, these latter were themselves subject to the same penalty. Wives were bound by the same penalties as their husbands. Those who persisted in their opinions were to have their property confiscated. Slaves were to be taken care of by their masters and glebe serfs were to be beaten severely to make them give up their heresy, unless the master preferred to pay the penalty himself. The clergy and ministers of the heretics were to be sent into exile and the churches and property turned over to the Catholics.[80]

When some bishops complained that a certain Jovinian was holding meetings outside the city, the Emperors ordered that he be seized, scourged and exiled together with his followers and ministers. He himself was to be sent to an island, while his followers were to be separated one from another to break up the conspiracy of superstition. If they tried to meet again they were to be punished more severely.[81]

The Donatists were still a problem in 414 and the Emperors recalled that they were not allowed to make a will or enter into contracts and, being *infames,* were excluded from the society of all good citizens. The places where they had held services were to be turned over to the Catholic church and their "bishops," "priests," "leaders," and "ministers" were to be sent into exile after their goods were confiscated.[82]

[78] Cf. C. Th. 16.5.50 (March 1, 410).
[79] Cf. C. Th. 16.5.51 (Aug. 25, 410).
[80] Cf. C. Th. 16.5.52 (Jan. 30, 412).
[81] Cf. C. Th. 16.5.53 (March 6, 412 [398?]).
[82] Cf. C. Th. 16.5.54 (June 17, 414); C. Th. 16.5.54.1.

Anyone who protected these Donatists was liable to confiscation of his property and the same penalties which were inflicted on the heretics themselves. Confiscation and fines were to be imposed, no matter whether the culprit was man or woman, an ordinary individual or a dignitary. Those of high rank were fined two hundred pounds silver. The fine was to be imposed for every time the person attended heretical services. After it had been imposed five times the matter was to be referred to the Emperors' "clemency," that they might take harsher steps against his property and his status.[83]

Senators who were Donatists were fined one hundred pounds silver, priests the same amount, civic leaders fifty, other officials ten, if they preferred to remain in heresy.[84] Lessees who permitted such gatherings on imperial property were fined an amount equal to their rent. Lessees from private owners were to be turned over to the owners by the judges. The owners were to take steps to correct their lessees or appoint persons to take charge of their property to see to it that the "divine commands" were observed. If they failed to do this they were to be fined the amount of rent which they were accustomed to receive.[85]

The officials of the various judges who were discovered to be Donatists were fined thirty pounds silver, and if this happened five times they were to be whipped and sent into exile.[86] Slaves and glebe serfs were to be punished most severely. If the serfs continued in their heresy after being whipped they were to be fined the third part of their *"peculium."*[87] Whatever was collected from these people was to be distributed to charity.[88]

All heretics were warned, in 415, not to hold public gatherings under penalty of confiscation and death.[89] The Montanists were ordered not to gather and hold meetings. If their clergy, "bishops," "priests," or "deacons" dared to hold meetings or ordain clergy-

[83] Cf. C. Th. 16.5.54.2; C. Th. 16.5.54.3.
[84] Cf. C. Th. 16.5.54.4.
[85] Cf. C. Th. 16.5.54.5; C. Th. 16.5.54.6.
[86] Cf. C. Th. 16.5.54.7.
[87] Cf. C. Th. 16.5.54.8.
[88] Cf. C. Th. 16.5.54.9.
[89] Cf. C. Th. 16.5.56 (Aug. 25, 415). C. Th. 16.5.55 (Aug. 30, 414) simply recalls what had previously been decreed against the Donatists and confirms it.

men or be ordained clergymen they were to be deported.[90] Those who aided them to hold the meetings were liable to have the house or the land confiscated. If the *"procurator"* allowed the meeting without the knowledge of the owner, the former was sent into exile.[91] If the Montanists possessed any buildings these were to be turned over to the churches of the orthodox sect together with their endowments, though care was to be taken that property of private individuals be not seized under the guise of taking property of the Montanists.[92]

In that same year the Emperors decreed the confiscation of the houses which the Eunomian clergy had within the city and in which they held meetings or repeated baptism.[93] They forbade all other heretics to repeat baptism.[94] One who of his own free will had sought to be baptized again was subject to deportation,[95] as were the Eunomian clergy if they held meetings, whether in Constantinople or in the provinces, in cities or in the territories around them, or dared to ordain other clerics or be ordained as such.[96] Confirming the previous legislation with regard to these people the Emperors again forbade them to make wills or gifts and revoked any privileges in this regard which they might have obtained in the past, so that they would henceforth be treated on a par with other heretics with whom they were on a par in iniquity. Only by intestate succession could they take property.[97]

As far as meetings of the Eunomians were concerned, the houses or lands where they took place were to be confiscated if the owner knowingly permitted them to meet on his property or under his roof.[98] Eunomian clergymen who were discovered to have re-baptized anyone were immediately to be exiled.[99] No member of the Eunomian sect could hold a government position.[100]

Included under the penalties against heretics were also the Manicheans, the Emperors recalled, and the Phrygians who were called also Pepyzites or Priscillians or some other more secret name, the Arians, the Macedonians, the Eunomians, the Novatians and the Sabbatians, and the other heretics.[101] By 423 the Emperors were

[90] Cf. C. Th. 16.5.57 (Oct. 31, 415).
[91] Cf. C. Th. 16.5.57.1.
[92] Cf. C. Th. 16.5.57.2.
[93] Cf. C. Th. 16.5.58 (Nov. 6, 415).
[94] Cf. C. Th. 16.5.58.1.
[95] Cf. C. Th. 16.5.58.2.
[96] Cf. C. Th. 16.5.58.3.
[97] Cf. C. Th. 16.5.58.4.
[98] Cf. C. Th. 16.5.58.5.
[99] Cf. C. Th. 16.5.58.6.
[100] Cf. C. Th. 16.5.58.7.
[101] Cf. C. Th. 16.5.59 (Apr. 9, 423).

getting tired of listing the names of all the heretics, so they mentioned the Eunomians, Arians, and Macedonians, and warned them and all the rest that the laws against heretics were still in force.[102] While they could not obtain government positions, they were still obliged to perform whatever civic duties were incumbent upon them as citizens.[103]

Theodosius and Valentinian instructed Faustus, the Prefect of Rome, that he was to give the Manicheans and the *Mathematici* twenty days to leave the city. If they did not join the Church they were to be exiled a hundred miles away.[104]

They ordered George, the Proconsul for Africa, to proceed against the heretics, schismatics, pagans,[105] and Bassus, the Count in charge of Private Affairs, to proceed against the Manicheans and any sect hostile to the Catholics, driving them out of the various cities.[106] They directed Florentius, the Pretorian Prefect, to turn over to the Catholic Church the churches which had been taken over by the heretics.[107] If they ordained any clerics both the one ordaining and the one ordained were fined ten pounds gold. If they claimed poverty the fine was to be levied upon the whole group of clergy and upon their endowments.[108] They then indicated to him the manner of proceeding against the various groups of heretics.[109]

They further forbade the heretics to induce either freemen or their own slaves who had been baptized in orthodoxy to be baptized again in their sect or to prevent them from following the Catholic religion. Those who violated this law were to be fined ten pounds gold, exiled, and deprived of capacity to make a will or a gift. Likewise if a freeman allowed himself to be baptized again or did not report it, he was punished in the same way.[110] If any judge failed to punish those who were reported to him he was to be punished as they should have been.[111]

[102] Cf. C. Th. 16.5.60 (June 8, 423).
[103] Cf. C. Th. 16.5.61 (Aug. 8, 423).
[104] Cf. C. Th. 16.5.62 (July 17 [Aug. 6], 425).
[105] Cf. C. Th. 16.5.63 (July 6, or Aug. 4, 425).
[106] Cf. C. Th. 16.5.64 (Aug. 6, 425).
[107] Cf. C. Th. 16.5.65 (May 30, 428).
[108] Cf. C. Th. 16.5.65.1.
[109] Cf. *supra*, p. 117.
[110] Cf. C. Th. 16.5.65.4.
[111] Cf. C. Th. 16.5.65.5.

Thus did the Roman Emperors struggle for a century to secure unity on matters of religion within their realm. Having decided to accept the Catholic Church as the official religious body of the Empire in place of the pagan religion which they had formerly embraced, they strove with all the power and all the techniques at the command of a totalitarian police-state to force all men into the pattern which they themselves had adopted, disregarding the fact that Christian Faith is a gift from God, that one comes to God through Christ,[112] and that Christians are called by God unto the fellowship of His Son Jesus Christ.[113] Their inquisitions, fines, confiscations, exiles, scourgings, capital punishments, their investigations of the orthodoxy of government servants, their threats against officials who did not do their duty, served, perhaps, to keep the heretics under cover to a certain extent, or to make them pretend to be Catholics, but at the end of a century of this repressive action we see the names of the same sects and of new ones repeated again and again. It seems questionable, then, how effective legal machinery is to secure by its harshly repressive measures that which the Church was established to accomplish by the preaching of God's word in all charity. Since they were not heads of the Church, though they had been heads of the pagan religion, the Emperors could not do the work of the Church. In fact, by their harshness they may have alienated minds which otherwise might have been drawn to the teachings of the Gospel. Had they merely prevented disturbances of the peace of the Church and not tried to drive men into it, it might have been better able to win them to the cause of Christ.[114]

Cujus regio, illius et religio is, apparently, an ancient concept. The ideas of the Roman Emperors did not die with them, but were adopted along with their legal system in many other countries in which the civil rulers undertook to exercise an authority in religious matters which properly belonged to the Head of the Church.

The final law in Title V shows Theodosius and Valentinian still doing battle with the heretics. This time it was Nestorius, recently condemned at Ephesus, who was the target for their attack. His followers were forbidden to use the name "Christian," and were,

[112] Cf. *John* 14:6.

[113] Cf. *I Cor.* 1:9.

[114] Consider St. Ambrose's position as to this, Martin, *The Independence of St. Ambrose, AER*, CXXII, 4 (April 1950), 289 ff.

by imperial decree, to be known as "Simonians." The books of Nestorius were to be burned. They were not to be kept, read, or copied by anyone, but were to be hunted down sedulously and publicly burned. These heretics were not to hold meetings, and in disputes about religion they were to be spoken of as "Simonians." Penalty for violation of the law as to meetings was confiscation, as usual, of the property.[115]

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[115] Cf. C. Th. 16.5.66 (Aug. 3, 435).

FIFTY YEARS AGO

In the August, 1900, issue of *The American Ecclesiastical Review* the leading article, by Fr. H. Delehaye, S.J., is a discussion of the authenticity and the historical value of the writing ascribed to Simon Metaphrastes, a writer of the tenth century. Fr. Delehaye concludes: "In a general way it may be said—leaving aside any exceptional cases that might be brought forward—that Metaphrastes is not the author, but the arranger of the anonymous Lives of the collections that bear his name. His statements have no other authority than that of the sources whence they are drawn." . . . Fr. Aeneas Goodwine, of The Catholic University, contributes an article on early Maccabean war songs. . . . Under the title "Sermons as a Medium of Systematic Teaching," Fr. B. Feeney recommends that the priest preach what the Third Council of Baltimore calls "a connected and thorough presentation of Christian doctrine, either in the order of the Roman Catechism or that of the catechism of the diocese, or of any approved author." . . . Mr. Arthur Spencer calls for an organized study of plainsong and of mediaeval music. . . . An anonymous article describes a recent incident at Harvard College. The President of that institution, Dr. Eliot, refused to admit to the Harvard Law School the graduates of any Jesuit college except Georgetown. The writer of the article examines the reasons alleged for this discrimination, and points out that they lack objective cogency. . . . In the Conference section a questioner asks whether a woman whose first marriage, at which she had received the nuptial blessing, has been dissolved by the Church on the grounds of non-consummation, could receive the blessing again on the occasion of her second marriage. The reply, based on the letter of the rubrics, is negative. . . . The anonymous article on recent Bible study, is concerned, for the greater part, with non-Catholic scriptural studies.

F. J. C.

THE CHURCH AND SPECIAL EDUCATION: PRESENT AND FUTURE

Today most of our Catholic children who are either blind or deaf have to be educated in State schools, where they are unable to get adequate instruction in their faith, and where they can attend Mass or receive the Sacraments only with great difficulty.

In the entire country there are only three Catholic schools for the blind with ninety-nine pupils and eleven Catholic schools for the deaf with 1338 pupils—all east of the Mississippi. In the fifty-eight residential State schools for the blind we find six thousand pupils, while 18,316 pupils are cared for in the 204 residential and day schools for the deaf.

The trend is away from the institutional form of life and toward the establishment of day schools for our blind and deaf children. In a day school the blind or deaf child associates with normal children and enjoys the safeguards of the home environment. Unfortunately the parochial school system has not kept abreast of the times in this regard, and there are no braille classes in our parochial school system. At present 532 children attend twenty-five city day school braille classes.

PAROCHIAL SCHOOLS NEED SIGHT SAVING CLASSES

Over 4,500,000 children have some sort of visual defect, and only a fraction of these cases are being found and treated. Twenty per cent of the children in elementary schools have eye difficulties and nineteen per cent can be helped. If children with eye difficulties use the same materials as normal children their eye conditions grow worse. Better care is needed for our parochial school children with impaired vision. The White House Conference on Child Health and Protection reported "The first sight saving class in a parochial school was established in Grand Rapids, Michigan, the second in St. Louis, Missouri. With the very large number of children attending parochial schools throughout the United States, it is hardly necessary to call attention to the great need for other parochial schools to follow the example so well set elsewhere."[1]

[1] *White House Conference on Child Health and Protection. Special Education 171* (New York and London: Century, 1931).

Periodic screening tests of vision will locate children needing eye care. The Snellen Test and the Massachusetts Vision Test are being used in many of our public schools today. Children found with eye difficulties should be placed with the consent of an opthalmologist in a special class called a "sight saving" class, or a class for the partially seeing. Treatment and educational facilities suited to their requirements are very necessary.

The public school system has 642 sight saving classes in 225 cities in thirty-five States; but only eight thousand out of fifty thousand children who need special classes are being accommodated. The parochial school system today has only two sight saving classes in the entire country, and has not as yet responded to the great need for these special classes. At least three hundred sight saving classes are needed to care for the eye difficulties among our Catholic children in the elementary, high school, Sunday school and released time classes. Large print catechisms and textbooks; trained teachers; and also special classrooms in centrally located parochial schools throughout the country are needed. It is hoped that the new summer course held at The Catholic University of America, Washington, D. C., namely, the "Institute for the Training of Teachers of Sight Saving Classes and Teachers of Braille Classes," will remedy this situation.

Owing to the success of preventive methods, blind children in England now number only two in ten thousand; whereas here in the United States, we have one visually handicapped person for every five hundred of the normal population. While millions and millions of dollars are being spent every year by the Federal Government for the care of the blind, less than a million dollars is spent on preventive measures and research.

About 1,300,000 children of school age have impaired hearing. One-half of these can be helped by medical treatment, while others need special education. Each child in school should have a yearly test by an audiometer. Special educational methods and trained teachers should care for children with defective hearing.

The first group audiometer was invented in the Bell Telephone Laboratories in 1925. Since then two million children are tested annually in one thousand cities and 120 counties in the United States. Preventive measures early in life have been found necessary, since four out of a thousand applicants for the armed ser-

vices, between the ages of eighteen and nineteen were found to have defective hearing. Preventive measures in England have caused a drop in the number of deaf children to seven out of ten thousand.

SPECIAL EDUCATION

Special education began in Germany in 1859 and in the United States in 1869. Oral instruction of the deaf was used in England as early as 1817. The first class for the deaf in public schools was opened in Boston in 1869, and the first class for the blind in public schools began in Chicago in 1900. The first sight saving class was established by Helen Smith in Roxbury, Mass., in 1913. The first lip-reading classes for the hard-of-hearing were established in Lynn, Mass., and in Rochester, New York, in 1920. In *The American Ecclesiastical Review* for the first twenty-five years of its existence, we find only one article concerning the blind. This appeared in June, 1890, and is based on an article in the *Quartalschrift* I and III of 1889 about the administration of the Sacraments and Penance and Holy Communion to a blind man.

By 1946 we find that twenty-five states had Directors of Special Education. Today, five hundred thousand children in the United States are receiving some type of special education in seven hundred city school systems under the direction of sixteen thousand teachers and supervisors. However, hundreds of thousands of children, especially in the rural areas of the country, are in need of these special classes. In eight states of the union, children who are both deaf and blind receive their education in common at state residential schools. Three schools, however, have a special deaf-blind department—the California School for the Blind, the New York Institute for the Education of the Blind, and the Perkins Institution and Massachusetts School for the Blind.

RELIGIOUS INSTRUCTION FOR HANDICAPPED

In the report of the White House Conference on Child Health and Protection we read: "Reports from cities in which the foreign population is large emphasize the need for better care of crippled children in parochial schools. In a few cities doctors and public health nurses have charge of children in both the public and parochial schools, and through a system of central registration

these children are brought and kept under supervision."[2] The number of hospital schools in the country today is conservatively estimated at from three hundred to four hundred. Over sixty thousand children in hospitals today need special educational facilities; and above all some provision should be made whereby these children can be instructed in their faith.

The half million epileptics, even those whose seizures are comparatively mild and infrequent, have, as a class, not fared very well in the field of education. The tubercular group, also numbering half a million, present a problem. Since there is a lack of educational facilities for home instruction and insufficient instruction in hospitals and convalescent homes, a chest X-ray is necessary for every child attending parochial and public schools, in order to segregate tubercular children from the other children.

The mentally deficient—young and old—numbering over two hundred thousand cannot be crossed off as being beyond help and assistance. According to reports from 130 institutions for the feeble-minded in the United States, about one-fourth of the total number of inmates were being given school work. But, what is being done in the line of religious instruction for those feeble-minded children that are Catholics? A quarter of a million dollars of Federal funds has been requested by State agencies for the development of projects for the care and treatment of over 176,000 children with cerebral palsy.

The socially maladjusted or delinquent children residing in more than 155 institutions need spiritual care and attention. Their religious experience in many instances consists merely of Mass on Sundays. Trained men and women are needed to help the chaplains in these institutions teach the Catholic boys and girls; to inaugurate discussion clubs; supply good Catholic literature, and reclaim, through God's grace and Catholic principles these boys and girls who have gone astray.

Let us cast a glance into the future, as we hope it will be.

CHURCH AND SCHOOL OF THE FUTURE

The Church of the future in outward appearance is quite similar to our present churches. Once inside we notice the changes. In the vestibule we find folded wheel-chairs for the physically handi-

[2] *Ibid: Special Education 30.*

capped. As we pass the pamphlet rack we notice large and small books, quite bulky in size—brailled books for the blind. A sign over one of the confessionals indicates that it is equipped to hear the confessions of the deaf and hard-of-hearing. As we genuflect and enter our bench, we observe men and women walking down the aisle in pairs—blind persons and their guides coming to Mass. Here and there in the benches we see hearing-aids which are used by the hard-of-hearing during the announcements and sermon.

What particularly intrigues us is some of the announcements about our parochial school. An audiometer test and a vision test is planned for all the parochial school children. Those needing a special class are to be placed in a sight saving class, while a day school class for the deaf and a braille class for the blind have been arranged. After a concentrated summer course the nuns are well qualified to conduct these special classes. Special provision has also been made for the children who are hard-of-hearing, while speech-corrective classes are also planned for the coming year.

We notice in the announcements that the Catholic Guild for the Blind under the direction of Fr. McCarthy is sponsoring the annual retreat for the blind. This Guild is doing a marvelous work for the blind—caring for their spiritual and temporal wants. The motor-corps that drove the blind to Mass are taking them to the country today for a picnic. Plans are being made to purchase a home for the blind in a quiet section of the city.

As we were leaving the church, Fr. Casey, Diocesan Director for the Deaf, was signing good-bye to a large group of boys from the State School for the Deaf who attend Mass in the choir-loft. Fr. Casey always interprets the sermon and announcements in the sign language for these boys at Sunday Mass. They were jubilant at the news of a day school for the deaf to be conducted by the nuns.

The headlines in our diocesan paper attracted our attention when we returned home from church. Fr. Fitzgerald, a curate in the adjoining parish, has been appointed Moderator for the Handicapped in the diocese. It seems that many of the handicapped in hospitals, asylums, sanatoria, and convalescent homes, and homebound children, have no provision made for their religious instruction; no preparation for first Holy Communion and Confirmation, and no means of attending Mass and receiving the Sacraments. A

group of nuns and volunteer workers are going to assist Fr. Fitzgerald in his work. I was astounded at the number of physically and mentally handicapped in our diocese, exclusive of the blind and the deaf. Hospital classes in religion are being arranged wherever possible.

Another article in our diocesan paper mentions that the diocesan superintendent of schools has made a survey of all the parochial schools in order to determine the number of children who require the services of a trained speech correctionist. The development of this program has been left largely to educators, since a great many physicians lack training in speech correction. Severe stutterers, children with hoarse voice or defective phonation and lallation will be treated by special teachers in our parochial schools beginning in the fall, while the regular class teachers will train the less severely handicapped children in proper speech. Children from adjoining schools will attend a parochial school, where trained personnel are equipped to teach them. Speech correction is a part-time activity, necessitating only a limited amount of specialized instruction per day or week. For years there has been a great need for a class in speech correction in our parochial schools, and the results of this program will prove its value.

Let us return now to the present. Many of our blind Catholics do not know that there are even now catechisms, parts of the Bible, novena prayers in honor of Our Lady of Perpetual Help, lives of the saints, holy hour and retreat prayers, besides many other works of a religious nature for Catholics in braille. About twenty-five per cent of the blind read braille; while the remainder receive "talking book" records on Catholic subjects through the mail. It is astounding to realize that nearly twenty-five thousand persons become blind every year, and between fifty and seventy-five per cent of the blindness could be prevented by the application of medical knowledge. Fifty-two Americans go blind every day. Someone in this country goes blind every twenty-eight minutes. Thus we have over 230,000 blind persons in the country.

PAROCHIAL DAY SCHOOLS FOR THE BLIND AND THE DEAF

The home atmosphere and companionship of normal children of their own age is very beneficial for blind or deaf children. Recreation and play are natural activities of childhood, and physically impaired children are anxious to take part in play life just as

normal children do. Many of our handicapped children have a feeling of inferiority and a fear of ridicule which cause them to withdraw from association with others. Participation in recreational activities with normal children aids in preventing adverse mental attitudes. These considerations, together with the knowledge of the advantages of home life for the handicapped child, prompted many of the nuns to take courses in braille, the sign language, and in lip-reading. The result was the establishment of parochial day schools with trained personnel to teach the blind, the deaf, and the hard-of-hearing. A centrally located parochial school with certain classrooms equipped for this work could be attended by the handicapped children in that area.

The hard-of-hearing are possibly the largest group of physically handicapped in the country; and yet, receive the least consideration from many sources. The occurrence of deafness before the acquisition of speech gives rise to far more serious handicaps than loss of hearing after speech has been acquired. The term "deaf" is generally applied to those who were born deaf or became deaf in childhood before language and speech were established, whereas the term "Hard-of-Hearing" refers to those who established speech and ability to understand speech and language, and subsequently developed impairment of hearing.

A very conservative estimate of the number of children of various religious beliefs between the ages of five and nineteen who are definitely exceptional—mentally, physically, or emotionally—would be about five million. The handicapped child is faced with the practical difficulty of living in a world which is built for the average child or adult. Handicapped children have the same kind of interests, emotions, and aspirations as do physically normal children. Educational programs for physically handicapped children that overlook this fact may cause maladjustments and psychological handicaps far more serious than the handicap caused by the physical impairment.

A Diocesan Moderator for the Handicapped is necessary to supervise and provide for the spiritual needs of thousands and thousands of our Catholics in the various hospitals, asylums, sanatoria, convalescent homes, and reformatories. He could arrange to have nuns or volunteer teachers instruct these Catholics in their faith; make provision for their attendance at Mass and the recep-

tion of the sacraments; plan retreats, outings, Christmas parties, and the like. Regular classes in religion could be held in hospitals and convalescent homes for the children.

The work for the physically and mentally handicapped appeals to a great many people, and many willing volunteers could be found to teach, visit, and bring Catholic literature to these persons, either in their own homes or in the various institutions or asylums. Many will thus be saved to the faith. Monthly Holy Communion and regular attendance at Mass will bring the joys and consolations of religion into their bleak lives. The Diocesan Moderator for the Handicapped and his workers—qualified and technically trained personnel, both religious and lay—will act as willing Cyreneans, helping these handicapped persons carry their heavy cross along the road of life.

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LITURGY AND MODERN ART

Recent works of art which lend themselves to the materials of modern composition, should not be universally despised and rejected through prejudice. Modern art should be given free scope in the due and reverent service of the Church and the sacred rites, provided that they preserve a correct balance between styles tending neither to extreme realism nor to excessive "symbolism," and that the needs of the Christian community are taken into consideration rather than the particular taste or talent of the individual artist. Thus modern art will be able to join its voice to that wonderful choir of praise to which have contributed, in honor of the Catholic faith, the greatest artists throughout the centuries. Nevertheless, in keeping with the duty of Our office, We cannot help deploring and condemning those works of art, recently introduced by some, which seem to be a distortion and perversion of true art and which at times openly shock Christian taste, modesty and devotion, and shamefully offend the true religious sense: these must be entirely excluded and banished from our Churches, like "anything else that is not in keeping with the sanctity of the place."

—Pope Pius XII, in his Encyclical Letter *Mediator Dei* of Nov. 20, 1947 (N.C.W.C. edition, pp. 65-66).

Answers to Questions

"CATHOLIC" OR "ROMAN CATHOLIC"?

Question: What is to be said of the use of the expression "Roman Catholic" to designate one who is a member of our Church, instead of the simple word "Catholic"? Does not the former expression seem to favor the idea that there are several branches of the Catholic Church—e.g., Anglo-Catholic, Old Catholic, etc.—in addition to Roman Catholic?

Answer: Certainly it is more in harmony with our belief that there is only one true Catholic Church to call ourselves simply Catholics; and beyond doubt the term "Roman Catholics" seems to support the "branch theory," so dear to "Anglo-Catholics." It is interesting to note that at the Vatican Council Bishop Ullathorne wished to have amended the expression "Sancta Romana, Catholica Ecclesia" either to "Sancta Catholica et Romana Ecclesia" or to "Sancta Romana, Catholica Ecclesia." For, he said: "If the Vatican Council names the Church, not 'Catholic and Roman' but 'Roman Catholic,' the Puseyites will draw thence an argument in favour of their theory of the three branches, and the Government will spread it abroad that, overcome by the truth, we finally recognize our Church as only a part of the true Church." The difficulty was finally settled by the adoption of the phrase "Sancta Catholica Apostolica Romana Ecclesia" (Butler, *The Vatican Council* [Longmans, Green and Co., London, 1930], I, 278 ff.). It is also interesting to note that the terminology accepted in the armed service of the United States is quite in harmony with Catholic belief, since only three general classifications of religion are acknowledged—Catholic, Hebrew and Protestant—and under this last come all Christian sects separated from the Catholic Church, even though they may regard themselves as branches of "Catholic Christianity."

However, the fact remains that at the present time the term "Catholic" has been taken as their title by a considerable number of religious groups separated from the true Catholic Church. The official U. S. government census of religious bodies for 1936 lists

six such denominations; and there is nothing that we can do about it. Under the circumstances, therefore, when there is danger that a Catholic may not be recognized as such if he designates himself simply as a Catholic, it seems perfectly permissible for him to use the expression "Roman Catholic."

A SOCIETY FOR THE RELIEF OF THE DYING

Question: Several years ago in Rome I joined a society in honor of St. Joseph, the purpose of which was to help the dying by prayer. Is it true that this society has been suppressed? In the event that it is still in existence, what is the special privilege enjoyed by the members in connection with the Mass they celebrate annually for any other members who happen to be in their death agony?

Answer: As far as I know, this society—*Associatio a transitu S. Joseph*—is still in existence, for Damen speaks of it in the 1947 edition of his *Theologia moralis* (n. 1137, nota). The special privilege to which the questioner refers is doubtless one which was granted to this society by Pope Benedict XV. By virtue of this privilege a priest-member can gain the plenary indulgence of the privileged altar for a dying member if the Mass is offered for this person. This is an extraordinary exception to the general ruling of the Church, that no one may gain an indulgence for another living person (Can. 930).

THE FATE OF UNBAPTIZED INFANTS

Question: Some scientists inform us that more than fifty per cent of the human conceptions that actually occur are aborted in the early weeks of impregnation. It seems difficult to reconcile this fact with the universal salvific will of God, unless we suppose that in some way unknown to us He provides for the salvation of these numerous souls. Could it be held that some extraordinary way of sanctifying and saving these unbaptized infants has been established by divine providence?

Answer: It should be remembered that there is no official teaching of the Church as to the precise moment when the rational soul

is infused into a human fetus. The view which was commonly held by the medieval scholastics, that this takes place a considerable length of time after the impregnation of the ovum, is by no means improbable; and in this supposition the problem presented by our questioner would be easily solved. However, even supposing that the rational soul is present from the first moment of impregnation and that the statement attributed to the scientists is correct, there still seems to be no valid argument against the universal salvific will of God. For, as far as infants are concerned, the will of God to save them is fulfilled inasmuch as He has provided a means which *of itself* is able to put them in the state of grace, the sacrament of Baptism. In the words of Fr. Herrmann, C.SS.R.: "Infants have not immediately in themselves and in their own power an intrinsic help sufficient for salvation, for of this they are incapable. They have, however, an extrinsic help in the preparation of God. For God has established a general remedy, Baptism, which *per se* is sufficient for all to salvation, and applicable to all those who, according to the course of nature, are capable of such application. This suffices that we may say that God, as far as He is concerned, has prepared sufficient means of salvation for all" (*Institutiones theologicae dogmaticae* [Paris, 1926], II, n. 1185).

According to common theological teaching those infants who die without Baptism enjoy for all eternity a purely natural happiness, which is all their nature has a claim to receive. Certainly, God could have provided some extraordinary means whereby children who die before birth could be saved; but there is no proof that this has been done, and the Church does not favor theories which postulate some such extraordinary means.

FRANCIS J. CONNELL, C.SS.R.

MATERIAL OF THE CASSOCK

Question: Is it required that the cassock for the priest must be of woolen material or may we use a black poplin, which is a cotton fabric?

Answer: All authorities on clerical dress, such as Barbier de Montault *(Le costume et les usages ecclésiastiques)*, Nainfa *(The*

Costume of Prelates), and McCloud *(Clerical Dress and Insignia)* exclude silk as a material for cassocks, except for cardinals, bishops assistant to the pontifical throne, and prelates of the Roman Court. For all others of the clergy, whether of episcopal, presbyteral, or lower rank, the proper material is woolen cloth. This opinion is based on the first paragraph of the *Caeremoniale episcoporum* (I, i, 1). The fabric may be broadcloth or merino, henrietta or serge. It may be light in weight or heavy according to the season during which the cassock is to be worn. The legislation is prohibitive of silk but in prescribing woolen fabrics we do not think that cotton materials are excluded such as the poplin mentioned by our correspondent or lightweight summer cloths. In fact, Barbier de Montault (*op. cit.* II, ii, 8) expressly allows the use of cotton as well as wool in the making of episcopal vesture, with the exception of the cappa magna, which is to be of a woolen textile like merino.

THE ORATION FOLLOWING THE LITANY OF OUR LADY

Question: Which prayer should be said at the conclusion of the Litany of the Blessed Virgin? Should it be changed according to the season of the year or should it always remain the prayer: "Pour forth, we beseech thee, etc."?

Answer: The official text of the Litany of Our Lady, as given in the Ritual (Lib. X, Cap. 3), has four variants of the concluding prayer. There is one for Advent, a second for the period between Christmas and the Purification, a third for the time between Purification and Easter which also serves for that between Trinity Sunday and Advent, and a fourth for the Easter season. There are also four variations of the versicle and response corresponding to the prayers.

The text of the Litany of the Blessed Virgin, which appears in the *Raccolta* (290), gives only one form of concluding oration, the prayer *Concede,* which is the one assigned by the Ritual to the greater part of the year, as it is to be said from Purification to Easter and again from the end of the Easter season till Advent. It is to be noted that the prayer, "Pour forth, we beseech thee, etc." is not given as the one to be recited at any time at the end of

the Litany in either the Ritual or the *Raccolta,* though it is found in this position in popular prayer books. This prayer, "Pour forth" *(Gratiam tuam),* is the proper one to be said at the Angelus, outside of Eastertide (cf. *Raccolta,* 300).

However, since the Ritual *(loc. cit.)* directs that the varying concluding prayers *may* be added to the Litany *(pro temporis diversitate haec addi possunt)* we presume that the unvarying form *Concede,* as contained in the *Raccolta,* may be used in the public recitation of the Litany, whatever the season of the year.

MGR., MSGR., AND MONS.

Question: Is there any official abbreviation of the title Monsignor? It used to be Mgr. and now we find more frequently Msgr. and sometimes Monsig. There must be some approved form.

Answer: The French abbreviation of the prelate's title Mgr., used to be the form regularly found in this country, but its association with the word manager probably led to the introduction of the Msgr. This latter contraction unfortunately suggests messenger and so is not universally popular with wearers of the purple robes. Monsig., though having the sanction of the dictionary, along with Mgr., seems too flippant an appellation. The form, Mons., which is the one used in official publications like the *Annuario pontificio,* is probably the most correct of all the curtailments but it has never had great vogue in the United States. Because Mons. has the authority of Roman usage is our reason for casting our vote in favor of it as the approved abbreviation.

PLACING THE SACRED SCRIPTURES ON THE FLOOR

Question: Where the credence table is not large enough to hold it, is it correct to rest the Missal for the deacon and subdeacon against the step of the altar?

Answer: Placing the book of Sacred Scriptures, be it Missal or Bible, on the floor, even the floor of the sanctuary, strikes us as decidedly irreverent. If the credence table is not large enough to hold chalice and cruets and acolytes' candles and the Missal for deacon and subdeacon as well, the solution is to get a table sufficiently ample.

WILLIAM J. LALLOU

Analecta

The sixth number (May 1) of the current volume of the *Acta Apostolicae Sedis* contains the decree of the Sacred Congregation of the Council[1] imposing by anticipatory judgment *(latae sententiae)* the specially reserved penalty of excommunication on clerics who violate canon 142 forbidding merchandising; the penalty extends to all religious, quasi-religious, and even the members of the rather recently approved secular institutes. Under the law of the Code, canon 2380 had provided that violations of canon 142 were to be punished by the Ordinary with a penalty proportionate to the seriousness of the delict. The recently published decree provides for the more severe penalty of degradation in cases of proportionate seriousness as well as for the loss of office by superiors who prove blameworthy in enforcing the law; the latter are further subject to ineligibility for any post involving the performance of acts of government or administration.

The preceding number of the *Acta* (April 14) published the allocution delivered by our Holy Father to the pastors and the Lenten preachers of Rome.[2] In it he emphasized the four characteristics that should animate the heart of the preacher: unspeakable joy, fervent zeal, ardent love, and a readiness for sacrifice. The first of these is available, he said, in the joy of vocation which should sustain the preacher in the midst of the utmost human misery and sinfulness, especially in the joyous year of Jubilee. To become imbued with the second, they should remember how much greater is the need of it in those who, because they exercise their ministry in Rome, are watched by the entire world and they should hold before their minds the example of the first Pope that like him they may be triumphant in a similar struggle and bring about the return to the fold of those who have been seduced by false prophets. In regard to the need of an ardent love, our Holy Father quoted St. Gregory the Great who warned that no one should dare ascend the pulpit unless he be in possession of charity toward his neighbor. As an example of the apostolate to which they should dedicate their

[1] March 22, 1950 (*Acta Apostolicae Sedis,* XLII [1950], 330).

[2] *Ibid.,* p. 302.

energies he pointed to the first of the series of canonizations and beatifications of the Holy Year, that of Vincenzo Pallotti, whose apostolate to the poor of Rome eventually brought to this humble man the encomiums of the Roman citizenry and the honors of the altar. He concluded the allocution with the Apostolic Blessing.

The Easter homily of our Holy Father[3] stressed the newness of life of which the Resurrection is the exemplary cause and to which, as sharing in the glory of the Head, the members of the Mystical Body are invited to aspire. But, he insisted, it is hopeless to look for the peace of Christ unless the maxims of the world are surrendered to those of the Gospel. Christian virtue, explained and demonstrated by Christ, is supported by His grace and by the promise of eternal life; in the possession of it, the soul is serene even in the midst of persecution and in the enjoyment of that serenity is able to lay the groundwork for that well ordered harmony of which the world stands so greatly in need.

The rank of Minor Basilica was conferred on three churches by Apostolic Letters of Oct. 8, 1948;[4] May 24, 1949;[5] July 8, 1949.[6] The first of these documents conferred the honor on the parish church of Guanare in the Diocese of Barquisimeto in Venezuela; the second, on the Church of the Blessed Virgin of Peace in La Paz, Bolivia; and the third, on the Benedictine Abbey in Saint-Benoit-sur-Loire, in the Diocese of Orleans.

The establishment of an Apostolic Delegation in Korea is reported by the publication of the Apostolic Letters of April 7, 1949,[7] giving it effect.

Apostolic Letters of Sept. 29, 1949,[8] designated St. Michael the Archangel as the Patron of the Italian Administration of Public Safety, while similar Letters dated Nov. 11, 1949,[9] designated the Blessed Virgin, as Virgin Most Faithful, the Patroness of the Italian Carabinieri, with the privilege of observing her Feast Day on Nov. 21 of each year.

The silver jubilee of the consecration of Most Rev. Angelo Giuseppe Roncalli, Archbishop of Mesembria and Apostolic Nuncio to France, was commemorated by a congratulatory letter sent him by our Holy Father under date of March 9, 1950.[10]

[3] *Ibid.*, p. 279.
[4] *Ibid.*, p. 324.
[5] *Ibid.*, p. 328.
[6] *Ibid.*, p. 284.
[7] *Ibid.*, p. 327
[8] *Ibid.*, p. 286.
[9] *Ibid.*, p. 288.
[10] *Ibid.*, p. 301.

A letter of our Holy Father, dated Feb. 15, 1950,[11] was sent to the Archbishop of Modena to commemorate the second centenary of the death of Father Lodovico Antonio Muratori, recalling that the latter's contemporary, Pope Benedict XIV, noted the praise with which Muratori's works were received and, while rejecting certain of his opinions, insisted that he never would condemn his works, in spite of the envious complaints that had urged him to do so.

A letter commemorating the fourth centenary of the death of St. John of God was sent, also under date of Feb. 15, 1950,[12] to the Superior General of the Hospitallers founded by the Saint; and a similar letter, under date of March 9, 1950,[13] was sent to the Abbot of Sanctissima Trinitá di Cava dei Terreni to commemorate the ninth centenary of the death of the founder of the Abbey, St. Alferius.

A Prefecture Apostolic, that of Tukuyu in British East Africa, was raised to the rank of a Vicariate Apostolic, that of Mbeya, by an Apostolic Constitution dated July 14, 1949.[14] The boundaries of dioceses were changed by decrees of the Sacred Consistorial Congregation dated Dec. 10, 1949,[15] and Feb. 1, 1950.[16] They first transferred a portion of the parish of Berndorf in the Diocese of Salzburg to the parish of Perwang in the Diocese of Linz. The second transferred the town of Nagytelep from the parish of Kiskajàr of the Archabbacy of San Martino in Monte Pannoniae to the parish of Lovàszpatona in the Diocese of Veszprém. A decree of the Sacred Congregation for the Oriental Church, dated Dec. 16, 1949,[17] established the boundaries of the Vicariate Apostolic of Egypt. The names of a Prefecture Apostolic and of a Vicariate Apostolic were changed by decrees of the Sacred Congregation for the Propagation of the Faith, dated July 14, 1949. The first[18] changed the name of the Prefecture Apostolic of Kodok, in the Anglo-Egyptian Sudan, to that of Malakal; and the second[19] changed the name of the Vicariate Apostolic of Urundi, in the Belgian Congo, to that of Kitega.

Decrees authorizing the canonization of St. Antonio Maria

[11] *Ibid.*, p. 296.
[12] *Ibid.*, p. 294.
[13] *Ibid.*, p. 300.
[14] *Ibid.*, p. 282.
[15] *Ibid.*, p. 307.
[16] *Ibid.*, p. 308.
[17] *Ibid.*, p. 309.
[18] *Ibid.*, p. 310.
[19] *Ibid.*, p. 311.

Claret,[20] St. Marie Emilie de Rodat,[21] and St. Maria Goretti[22] were issued by the Sacred Congregation of Rites, the last on Jan. 12, 1950, and the two former on March 5, 1950. Decrees approving the miracles required for canonization were issued by the same Sacred Congregation in reference to the canonization of St. Maria Goretti and St. Maria Anna de Paredes, the former on Dec. 11, 1949,[23] and the latter, on Jan. 12, 1950.[24] The Apostolic Letters beatifying Blessed Paula Elisabeth Cerioli were given March 19, 1950.[25]

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[20] *Ibid.*, p. 314.
[21] *Ibid.*, p. 316.
[22] *Ibid.*, p. 331.
[23] *Ibid.*, p. 312.
[24] *Ibid.*, p. 332.
[25] *Ibid.*, p. 290.

CONVERSION AND FREEDOM

Though We desire this unceasing prayer to rise to God from the whole Mystical Body in common, that all the straying sheep may hasten to enter the one fold of Jesus Christ, yet We recognize that this must be done of their own free will; for no one believes unless he wills to believe. Hence they are most certainly not genuine Christians who against their belief are forced to go into a church, to approach the altar and to receive the Sacraments; for the "faith without which it is impossible to please God" is an entirely free "submission of intellect and will." Therefore whenever it happens, despite the constant teaching of this Apostolic See, that anyone is compelled to embrace the Catholic faith against his will, Our sense of duty demands that We condemn the act. For men must be effectively drawn to the truth by the Father of light through the Spirit of His beloved Son, because, endowed as they are with free will, they can misuse their freedom under the impulse of mental agitation and base desires. Unfortunately many are still wandering far from Catholic truth, being unwilling to follow the inspirations of divine grace, because neither they nor the faithful pray to God with sufficient fervour for this intention. Again and again We beg all who ardently love the Church to follow the example of the Divine Redeemer and to give themselves constantly to such prayer.

—Pope Pius XII, in his Encyclical Letter *Mystici Corporis* of June 29, 1943 (N.C.W.C. edition, pp. 39-40).

Book Reviews

THE PRIEST AT HIS PRIE-DIEU. By Robert Nash, S.J. Westminster, Md.: Newman Press, 1949. Pp. viii + 300. $3.00.

In this book of thoughts and principles for the morning meditation, Fr. Nash, following the plan of his earlier work, *Thy Light and Thy Truth,* has provided fifty-two meditations treating of the ideals, privileges, obligations, difficulties and remedies which the priest's vocation implies. Each meditation is arranged according to the scheme of St. Ignatius. He thus gives the user of the book a preparatory prayer, a setting, a fruit, the body of the meditation, and finally a summary and a *tessera.*

The book, in the author's words, has the object to serve as a *vade-mecum* throughout an entire year. It is hoped that each meditation will occupy a week. All are of approximately the same length. Each attempts, for the most part, to place the priest in close contact with Our Lord so that his words and example can afford that instruction which is the best possible for the priest. Rather than an imposed plan of operation the work is a helpful suggestion for the man who wonders just what he could do to make his meditations better. It takes the trouble to show him how.

Thus, for example, the author begins with the idea, "Teach us to pray." This he follows with the complementary one, "Thus shall you pray." Next come thoughts on The Watch Tower, Buried in Hell, The Just Man, Familiarity with God, Christ's prayer for us, the Office, God's presence in us, being children of Our Father, the value of hard work for God, avoidance of weariness and the sharp words in the confessional which are frequently its concomitant, avoidance of idleness, and other kindred topics.

If, as sometimes happens, one's accustomed book of meditations has begun to grow stale, yielding no longer the thoughts and inspirations it once did, this book is suggested for its solid approach and stimulation.

THOMAS OWEN MARTIN

INTRODUZIONE ALLA PSICOLOGIA. By Agostino Gemelli, O.F.M., and Giorgio Zunini. Milan: Societa Editrice "Vita e Pensiero," 1949. Pp. xv + 490.

If the present book had appeared in the United States, it would probably have borne the title, "General Psychology," instead of "Introduction to Psychology." True, a little over one hundred pages are filled

with introductory matter, but the remaining 360 pages treat of topics which one usually finds in the books of general psychology: perception, memory, activity of the subconscious mind, emotions, intelligence, will, personality, and character—and, let us add, this matter is treated on an advanced level.

The value of the book for this country consists mainly in the fact that it presents a good picture of the status of contemporary European thought in psychology and, in addition, reflects European opinion about American psychological literature, with which the authors show a remarkably extensive acquaintance. In many respects, indeed, they seem to be better informed about American publications than many of their colleagues in the United States are concerning European publications in the field; however, although the authors give ample evidence of being familiar with current psychological literature in America, they are somewhat at loggerheads with the English language, as the innumerable examples of misspelled names and book titles demonstrate.

The book conveys the impression that psychology in Europe is less statistical, less quantitative, more traditional in its viewpoint than is psychology in America, and also that it is more scientific because it tries harder to remain free from an intrusion of clandestine philosophy. A good example of this attempt is to be found in the concept of behaviorism now very common in France. Although this system has not been able to free itself completely from philosophical postulates, it has made more honest and, in some ways, more successful attempts to do so than has its American counterpart. European behaviorism is so radically different from the American brand that the two have hardly anything in common but the name. This holds true particularly for Baudouin's activism, which applies the term "behavior" not only to external movements but also to so-called internal psychic acts, such as tendencies, memories, and aptitudes. To the study of behavior the authors devote three chapters, in which they give an excellent analysis of animal, human, and social behavior.

Gemelli does not reject operationism as a method, but he expresses as his main objection to it the fact that the operational method cannot be applied to all psychic phenomena because not all are quantitative. He asks the question, whether introspective methods, too, can be classified as operational, and claims that operationism has once more raised the perennial problem of the nature of psychic phenomena.

It would have been interesting to know a little more about the writers' opinion concerning the American concept of topology. They refer to some of Lewin's works and mention certain of his contributions, but they give the impression that they consider—perhaps rightly so—his topology as some sort of ephemeral hybrid sprung from two essentially

antagonistic systems, gestaltism and behaviorism, which Lewin happened to unite because he happened to come to the United States.

This book advocates a middle-of-the-road psychology, avoiding extremes. It does not put psychology in the straitjacket of an omnipotently magic method; it tries to avoid philosophical infiltrations, but shows clearly that many types of contemporary psychology either presuppose a philosophical system or lead up to the formation of one.

JAMES H. VAN DER VELDT, O.F.M.

THE CATHOLIC CHURCH IN THE UNITED STATES. By Theodore Roemer, O.F.M.Cap., Ph.D. St. Louis: B. Herder Book Co., 1950. Pp. viii + 444. $5.00.

As a graduate student of the late and lamented Msgr. Peter Guilday, who, after Shea, might well be styled the second father of American Church History, Fr. Theodore Roemer is well qualified to write a history of the Catholic Church in the United States of America, for it was under Dr. Guilday that he wrote his *The Ludwigs-Missionsverein and the Church in the United States: 1838-1918,* later augmented by his *Ten Decades of Alms.* Although intended primarily as a seminary textbook, the present history will provide profitable reading also for other educated circles interested in Catholic *Americana.*

The book is roughly divided into four parts designated respectively as: the Period of the Missions (1492-1780); the Period of Integration (1780-1840); the Period of Assimilation (1840-1900); and the Period of Maturity (1900-1950). After a preliminary account of Catholic exploration and settlement previous to the time of John Carroll, the first American bishop, the author treats by decades the subsequent development of the Church in the United States. Within each decade he sets forth the expanding growth of the American Church and the periodic creation of new dioceses, without, however, neglecting to comment on some of the less favorable aspects, crosses, and problems that confronted the various bishops; such as trusteeism or trusteemania, bigotry, shortage of priests, Catholic immigration, jurisdictional controversies, educational differences even in the hierarchy, etc. The coming of Religious Orders to our shores on the occasion of the second voyage of Columbus (1493) and their subsequent labors on mission fields, in parishes, and educational institutions in which the Congregations of Brothers and Sisters were particularly helpful, are laudably although succinctly set forth. At the end of the volume special appendices list the ecclesiastical divisions of the American Hierarchy and give a chronological enumeration of all the bishops since the first founding of their respective dioceses.

A comprehensive index and alphabetical bibliography are placed at the services of the reader. The book is interspersed throughout with documentary quotations and valuable literary footnotes.

Fr. Roemer's book fills a real need for our American seminaries, for, as the author rightly assumes in his preface, John G. Shea's works are practically out of print; Dr. Thomas O'Gorman's *History of the Roman Catholic Church in the United States* is but a condensation of Shea and goes only up to 1866; and Theodore Maynard's *Story of American Catholicism* is "not always accurate" and besides, is intended more for the general reading public. The author bases his presentation of American Church History primarily on Shea's *History of the Catholic Church in the United States;* on Guilday's newer adaptations of the Lives and Times of Bishops Carroll and England, and on smaller published monographs, the majority of which are the fruits of laborious research by graduate students of The Catholic University of America or of other institutions of higher education.

Since the author rather envisions the possibility of certain inaccuracies or misinterpretations (p.v.) this reviewer feels the former will really welcome the following remarks which in no way detract materially from the over-all value of the book. Like Fr. Joseph McSorley who divides his *Outline History of the Church* by centuries, Fr. Roemer divides his book by decades. Since neither the one nor the other has been able (as Fr. Roemer admits, p. v) to expound everything pertaining to a given subject within the limits of a certain decade, or even century, one sometimes wonders if the traditional synthetic system or essay form of treating historical events or eras were not preferable. In treating, e.g., of "Trusteemania" in New York (pp. 153-54) the author goes far beyond the period assigned (1810-20) by referring to the appointment of a coadjutor to Bishop Dubois in 1836 in the person of the Most Rev. John Hughes who followed as Ordinary only in 1842. The author seems to have a predilection for the "decimal system" as evidenced by his previously mentioned work entitled *Ten Decades of Alms.* The privilege of naming one's literary baby, nevertheless, remains sacrosanct with the father and need not necessarily create a major problem in the future development of his child.

Now to a few not too important "quickies" or points which might stimulate further investigation. On p. 6 it is stated that Lucas Vasquez de Ayllon started "a colonization project on the James River in present Virginia." D. D. Wallace in his *History of South Carolina* claims that Ayllon's settlement was made rather at Winyah Bay in South Carolina, an opinion that Magri in his history of the Diocese of Richmond also accepts.

Since the names of other prominent missionaries who were either the

first to arrive on a certain mission field or to resume activities thereon are frequently given by the author, it would seem logical also to mention the names of two prominent Jesuits who were the first to arrive in the Menendez colony of Florida (founded, 1565), namely Fr. Juan Rogel and Fr. Juan Bautiste Segura (see p. 10). The same would apply (on p. 18) to the first secular priests to return to St. Augustine after the city had again been ceded to Spain in virtue of the treaty of peace of 1783, namely the Rev. Michael O'Reilly and the Rev. Thomas Hassett, especially since the latter later on plays an important role in the jurisdictional controversies with Fr. Anthony Sedella (p. 134, where indeed Fr. Hassett's name does appear).

On p. 19 the name "Father Mark of Nice" causes momentarily a little consternation until one begins to realize that he is none other than the famous Fray Marcos de Niza, which Herbert Bolton in his most recent (1949) study of *Coronado on the Turquoise Trail* (p. 17) and Marion Habig, O.F.M., in *Heroes of the Cross* (p. 215) consider to be "his usual designation." The good old Spanish name of Fray Marcos has been so long identified with the sonorous Coronado, Cibola, and the "Seven Golden Cities" that Father Mark of Nice sounds a bit harsh by contrast, and one instinctively wishes that the good old friar might be permitted to retain in the twentieth century the euphonic name by which he was known in the Southwest for centuries.

On p. 20 the site of the death of the proto-martyr of the United States, Fr. Juan of Padilla, O.F.M. (of 1542), is placed in Kansas, although several famous authors such as David Donoghue (*Texas State Historical Association Quarterly,* 33:3 [Jan., 1929]) and after him, Prof. Carlos E. Castañeda, in his *Our Catholic Heritage in Texas,* I (1936), 97 ff., prefer to place the Quivira missions where Fr. Padilla labored and died, in the northeastern corner of the Panhandle of Texas. Although Fr. Marion Habig, O.F.M., after a long study of the matter (*op. cit,* pp. 182, 218), still favors Kansas, the controversy is not yet closed.

In the delicate politico-religious mission of Fr. John Carroll to Canada resulting in his unfriendly reception by Canadian priests due to the prohibition by Bishop Briand, who was too well satisfied with the provisions of the "Quebec Act" to risk another war with England, special mention might have been made (on p. 68) of the doctoral dissertation by the prematurely deceased Fr. Laval Laurent, O.F.M., entitled: *Quebec et L'Église aux États-Unis* (Washington, D. C.: The Catholic University of America Press, 1945), an excellent study of the whole delicate Carroll mission to Canada.

On p. 149, the name "Cloviére" is undoubtedly a double printer's mistake, both in the spelling and in the accentuation. On the next page,

the accentuation was corrected, but the spelling was not. The word should read "Clorivière."

On the same p. 149, the assertion is made that the Rev. Simon Felix Gallagher was sent by Bishop Carroll in 1793 to Charleston, South Carolina, "for which place no regular services had yet been provided." Fr. Gallagher really was the third priest sent to Charleston and a former Methodist church had already been bought and incorporated by grant of the State Legislature, Feb. 19, 1791, two years before Gallagher arrived. Guilday, in his *Life and Times of John England: 1786-1842* (I, 142), refers to a "Catholic congregation of Charleston" at the close of the year 1790.

There are those who feel that the letter of Pope Pius IX to the Hon. Jefferson Davis, President of the Confederacy, rather preceded than succeeded the visit of Bishop Patrick N. Lynch to Rome. The matter deserves clarification.

It was A. Dudley Mann who brought the letter of Davis to the Holy Father and it was the same Dudley Mann who brought back to the South a letter of Pius IX (December, 1863) which, however, was by no means a recognition of her claims, but rather "a mere formula of courtesy to his correspondent." It was only towards the close of the war (Spring, 1864), that Bishop Lynch was appointed "Confederate Commissioner to the States of the Church," and "instructed to press for recognition of the Confederate States by the Holy See if that seemed possible." But his mission was a failure. He was received at the Vatican only in his episcopal position, never as an accredited representative of Davis or of the Confederacy. It was then A. Dudley Mann who brought back the courtesy letters of Pius IX to President Davis; not Bishop Lynch, who as the author well says, even had difficulty in returning to America. (See Leo Francis Stock, *United States Ministers to the Papal States* [Washington, D. C.: The Catholic University of America Press, 1933], pp. xxxvi-xxxvii and p. 313, note 29.)

In a new edition, the author might well mention in his select bibliography the recently published work by Herbert E. Bolton entitled: *Coronado on the Turquoise Trail,* Vol. I of the Coronado Historical Series (Albuquerque: U. of New Mexico Press, 1949); also *The Episcopal Lineage of the Hierarchy in the United States: 1790-1948* (New York and Cincinnati: Pustet, 1948) by the Rev. Jesse W. Lonsway.

The reviewer hopes these few comments will be accepted in the same charitable spirit of constructive criticism in which they have been written. There are still many questions of American Church history open for further investigation. If these few remarks have helped to clarify certain issues, he will feel amply rewarded. He does believe that in controversial questions a footnote reference is desirable.